

METROPOLITAN DEVELOPMENT COMMISSION
DOCKET NUMBER: 92-AO-4
CITY-COUNTY COUNCIL GENERAL
ORDINANCE NUMBER: G.O. 97, 1993

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Amending: 75-AO-3
76-AO-3
79-AO-4
80-AO-1 (G.O. 23, 1980)
92-AO-4 (G.O. 97, 1993)
94-AO-7 (G.O. 92, 1994)

THE COMMERCIAL ZONING ORDINANCE
OF
MARION COUNTY, INDIANA
A PART OF THE CODE OF INDIANAPOLIS
AND MARION COUNTY
(VOLUME III, APPENDIX D)

ADOPTED:

CITY-COUNTY COUNCIL: August 2, 1993 (as amended)

RATIFIED BY THE METROPOLITAN DEVELOPMENT COMMISSION: August 18, 1993

Amended:

July 11, 1994 by the City-County Council
Ratified by the Metropolitan Development Commission:
August 3, 1994

Department of Metropolitan Development
Neighborhood and Development Services Division

SUMMARY OF EXCEPTIONS TO COMMERCIAL ZONING ORDINANCE DEVELOPMENT STANDARDS
TO ASSIST INNER, MID-CITY AND SMALL BUSINESS COMMERCIAL DEVELOPMENT/REDEVELOPMENT

EXCEPTION	WHERE FOUND	BRIEF DESCRIPTION
Established Setback Exception	General Commercial Regulations, Section 2.00, A, 3, b.	A person can build a new building in an older or mid-city area by "lining up" or averaging the setbacks surrounding it. This allows new buildings to be pulled up closer to the street to match surrounding development without need for a variance.
Expansion Along an Existing Legally Established Nonconforming Front Setback Line	General Commercial Regulations, Section 2.00, A, 3, c.	A person may expand along a front setback (up to 50% of the length of the building along the front setback) without a variance, even though that front setback does not meet the requirements of the ordinance. *
Expansion Along an Existing Legally Established Nonconforming Side Setback Line	General Commercial Regulations, Section 2.00, A, 3, d.	A person may expand along a side setback (up to 50% of the length of that side of the building) without a variance, even though that side setback does not meet the requirements of the ordinance. *
Building and Structural Height Exception	General Commercial Regulations, Section 2.00, A, 5.	Allows several mechanical or structural parts of buildings to exceed the maximum building height permitted by a particular district.
Lot Frontage Exception	General Commercial Regulations, Section 2.00, A, 6.	A person can build or expand on an existing lot without a variance, even though the lot did not meet current lot frontage/width standards.
Transitional Yard Reduction	The exception is found in each Commercial District's regulations: C-1: Section 2.01, B, 6, b, (2) C-2: Section 2.02, B, 6, b, (2) C-3: Section 2.03, B, 6, b, (2) C-3C: Section 2.035, B, 6, b, (2) C-4: Section 2.04, B, 6, b, (2) C-5: Section 2.05, B, 6, b, (2) C-6: Section 2.06, B, 6, b, (2) C-7: Section 2.07, B, 6, b, (2) C-ID: Section 2.08, B, 6, b, (2) C-S: Section 2.09, B, 6, b, (2)	On any lot where the ground area needed for required transitional (buffer) yards exceeds 20% of the lot's area, the widths of the side and rear transitional yards may be reduced by one half, (but to not less individually than 6 foot planting areas), so long as a 6 foot opaque fence or solid wall is built. (example: A normally required 20 foot transitional side yard could be reduced to only 10 feet)
Transitional Yard Exception	The exception is found in each Commercial District's regulations: C-1: Section 2.01, B, 6, b, (3) C-2: Section 2.02, B, 6, b, (3) C-3: Section 2.03, B, 6, b, (3) C-3C: Section 2.035, B, 6, b, (3) C-4: Section 2.04, B, 6, b, (3) C-5: Section 2.05, B, 6, b, (3) C-6: Section 2.06, B, 6, b, (3) C-7: Section 2.07, B, 6, b, (3) C-ID: Section 2.08, B, 6, b, (3) C-S: Section 2.09, B, 6, b, (3)	Transitional (buffer) yard requirements will not apply where commercial or industrial uses, legally established by variance or lawful nonconforming use, exist upon adjoining or abutting property - even though the property is still residentially zoned. (example: A convenience store wants to locate on the site of a former gas station (zoned C-4), a law office is next door which obtained a variance from residential zoning to locate there. Normally, the new store would have to provide a 20 foot buffer yard adjacent to the law office property - but because the law office has a commercial variance, the convenience store does not have to provide any buffer yard.

* Additional restrictions apply, see applicable section of the Ordinance.

SUMMARY OF SELECTED DEVELOPMENT STANDARDS BY COMMERCIAL ZONING DISTRICT

DISTRICT	MINIMUM STREET FRONTAGE	MAXIMUM HEIGHT OF BUILDINGS	MINIMUM FRONT YARDS/SETBACK	MINIMUM SIDE OR REAR YARDS/SETBACK	MIN. FRONT TRANSITIONAL YARD	MIN. SIDE/REAR TRANSITIONAL YARD	AMOUNT OF OUTDOOR DISPLAY	AMOUNT OF OUTDOOR STORAGE
C-1	50 ft.*	50 ft.†	building - 10 ft. from proposed ROW parking/landscaping - 10 ft. from existing ROW	10 ft. from lot line	building - 20 ft. from proposed ROW parking/landscaping - 20 ft. from existing ROW	15 ft. (10 ft. if alley abuts)	None Permitted	None Permitted
C-2	50 ft.*	No limit†	same as above	10 ft. from lot line	same as above	15 ft. (10 ft. if alley abuts)	None Permitted	None Permitted
C-3	50 ft.*	35 ft.†	same as above	zero	same as above	20 ft. (10 ft. if alley abuts)	200 sq. ft. (certain uses only)	200 sq. ft. (certain uses only)
C-3C	50 ft.*	35 ft.	same as above	zero	same as above	15 ft. (10 ft. if alley abuts)	None Permitted	None Permitted
C-4	50 ft.*	65 ft.†	same as above	zero	same as above	20 ft. (10 ft. if alley abuts)	1½ of total gross sq. ft. (200 sq. ft. allowed for any use)	None Permitted
C-5	50 ft.*	65 ft.†	same as above	zero	same as above	20 ft. (10 ft. if alley abuts)	Allowed with no limit **	Permitted (for automotive only)
C-6	50 ft.*	65 ft.†	same as above	zero	same as above	20 ft. (10 ft. if alley abuts)	200 sq. ft. (certain uses only)	None Permitted
C-7	50 ft.*	35 ft.†	same as above	10 ft. from lot line	same as above	40 ft. (20 ft. if alley abuts)	Allowed with no limit **	Allowed with no limit **
C-ID	50 ft.*	35 ft.†	same as above	10 ft. from lot line	same as above	40 ft. (20 ft. if alley abuts)	Allowed with no limit **	Allowed with no limit **
C-S	50 ft.*	No limit†	same as above	10 ft. from lot line	same as above	15 ft. (10 ft. if alley abuts)	Allowed (if requested)	Allowed (if requested)

* - May be eligible for the frontage exception, see Section 2.00 of the ordinance.

† - Additional setback provisions may apply if the lot abuts a protected district, see specific section on maximum building height in the applicable section of the ordinance.

** - Screening shall be provided, a separation is required when abutting a protected district, see specific ordinance section for details.

CITY-COUNTY GENERAL ORDINANCE NO. 97, 1993

THE COMMERCIAL DISTRICTS ZONING ORDINANCE

OF

MARION COUNTY, INDIANA

AN ORDINANCE to amend Marion County Council Ordinance No. 8-1957 as amended, the Zoning Ordinance for Marion County which ordinance includes the Commercial Districts Zoning Ordinance, as amended, and fixing a time when the same shall take effect.

WHEREAS, I.C. 36-7-4 establishes the Metropolitan Development Commission of Marion County, Indiana, as the single planning and zoning authority for Marion County, Indiana, and empowers the Metropolitan Development Commission to approve and recommend to the City-County Council of the City of Indianapolis and of Marion County, Indiana ordinances for the zoning or districting of all lands within the county for the purposes of securing adequate light, air, convenience of access, and safety from fire, flood, and other danger; lessening or avoiding congestion in public ways; promoting the public health, safety, comfort, morals, convenience, and general public welfare; securing the conservation of property values; and securing responsible development and growth; and,

WHEREAS, The Commercial Districts Zoning Ordinance for Marion County, Indiana, 69-AO-1, has been amended but has not been revised substantially in twenty years; and,

WHEREAS, in the time period since the original adoption of the Commercial Districts Zoning Ordinance, commercial development technology has changed, with many innovations not being allowed in the Commercial Districts Zoning Ordinance; and,

WHEREAS, in the time period since the original adoption of the Commercial Districts Zoning Ordinance for Marion County, Indiana, development patterns and consumer preferences within the County have changed, with these changes also not being reflected in the Commercial Districts Zoning Ordinance; and,

WHEREAS, in the same time period, neighborhood organizations and citizens have grown increasingly concerned over the type and quality of commercial environment and development occurring in and near their areas; and,

WHEREAS, the Metropolitan Development Commission and the City-County Council desire to address the needs of the commercial development industry, neighborhood organizations and citizens in preparing an ordinance which meets the long-term needs of the City/County as a whole; and,

WHEREAS, in preparing such an ordinance, the Metropolitan Development Commission and the City-County Council desire to include all commercial activities and therefore the ordinance consolidates all classifications, applicable permitted uses and standards pertaining to the Commercial Special Exceptions Ordinance and The Adult Entertainment Business Zoning Ordinance into the revised Commercial Zoning Ordinance;

NOW, THEREFORE, BE IT ORDAINED BY
THE CITY-COUNTY COUNCIL OF THE CITY OF INDIANAPOLIS
AND OF
MARION COUNTY, INDIANA AS FOLLOWS:

SECTION 1. The Commercial Districts Zoning Ordinance of Marion County, Indiana, adopted as an amendment under Marion County Council Ordinance No. 8, 1957, as adopted and amended under Metropolitan Development Commission Docket Numbers 69-AO-1, 75-AO-3, 76-AO-3, 79-AO-4 and 80-AO-1, as amended, pursuant to IC-36-7-4, be further amended by deleting the crosshatched language and inserting the under scored language as follows:

COMMERCIAL ZONING ORDINANCE

OF

MARION COUNTY, INDIANA

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CHAPTER I

COMMERCIAL ZONING DISTRICTS

SECTION 1.00 ESTABLISHMENT OF COMMERCIAL ZONING DISTRICTS

The following primary Commercial Zoning Districts for Marion County, Indiana, are hereby established, and land within said County zoned to said district classifications shall be designated on the applicable zoning maps by the following zoning district symbols, respectively (which maps are a part of said Ordinance No. 8-1957, as amended, and are hereby incorporated by reference and made a part of this ordinance):

<u>TITLE</u>	<u>SYMBOL</u>
OFFICE-BUFFER DISTRICT	C-1
HIGH INTENSITY OFFICE-APARTMENT DISTRICT	C-2
NEIGHBORHOOD COMMERCIAL DISTRICT	C-3
CORRIDOR COMMERCIAL DISTRICT	C-3C
COMMUNITY-REGIONAL COMMERCIAL DISTRICT	C-4
GENERAL COMMERCIAL DISTRICT	C-5
THOROUGHFARE SERVICE DISTRICT	C-6
HIGH INTENSITY COMMERCIAL DISTRICT	C-7
COMMERCIAL-INDUSTRIAL DISTRICT	C-ID
SPECIAL COMMERCIAL DISTRICT.	C-S

CHAPTER II

COMMERCIAL DISTRICT REGULATIONS

SECTION 2.00 GENERAL COMMERCIAL DISTRICT REGULATIONS

The following regulations and performance standards shall apply to all land within the COMMERCIAL ZONING DISTRICTS.

A. APPLICABILITY OF REGULATIONS

After the effective date of this ordinance:

1. With the exception of legally established nonconforming uses, no land, building, structure, premises or part thereof shall be used or occupied except in conformity with these regulations and for uses permitted by this ordinance.
2. A lot may be divided into two (2) or more lots, provided that all resulting lots and all buildings thereon shall comply with all of the applicable provisions of the Commercial Districts Zoning Ordinance of Marion County. If such a lot, however, is occupied by a nonconforming building, such lot may be subdivided provided such subdivision does not create a new noncompliance or increase the degree of noncompliance of such building.
3. No building, structure, premises or part thereof shall be constructed, erected, converted, enlarged, extended, reconstructed or relocated except in conformity with these regulations and for uses permitted by this ordinance.

a. Restoration of Legally Established Nonconforming Uses, Structures, Buildings

Legally established nonconforming uses and structures or buildings not located in any Flood Control District may be restored to their original dimensions and conditions if damaged or partially destroyed by fire or other naturally occurring disaster, provided the damage or destruction does not exceed two-thirds (2/3) of the gross floor area of the building or structure affected.

b. Established Setback Exception

In any block in which an existing front yard depth and setback is established (by existing legally established buildings within a Commercial or Industrial District) for more than twenty-five percent (25%) of the linear frontage of the block (or a distance of two hundred [200] linear feet in either direction, whichever is the lesser), the minimum required front yard depth and setback for any new building or structure,

except surface parking lots, shall be the average of such established yards if such dimension is less than the minimum required front setback established by this ordinance. Provided, however, that in no case shall a building or structure:

- . encroach upon any proposed right-of-way, as determined by The Official Thoroughfare Plan of Marion County, Indiana adopted March 6, 1993, unless subject to the provisions of Section 2.13, A.;
- . encroach upon any existing right-of-way if no proposed right-of-way exists or if the existing right-of-way is greater than the proposed right-of-way; or,
- . encroach into a clear sight triangular area, as required in Section 2.13, C.

c. Expansion Along an Existing Legally Established Nonconforming Front Setback Line

The minimum required front setback in any Commercial District for any existing building, having a legally established front setback line which is less than the required front setback of the District, shall be modified to permit expansion of such building along the structure's legally established front setback, provided that:

- (1) only a one time expansion along the legally established nonconforming setback line shall be permitted; and,
- (2) the linear front footage of the expansion does not exceed fifty percent (50%) of the linear front footage of the existing building, and all other requirements of this ordinance are maintained for the expansion.

Provided, however, that in no case shall a building or structure:

- . encroach upon any proposed right-of-way, as determined by The Official Thoroughfare Plan of Marion County, Indiana, adopted March 6, 1993, unless subject to the provisions of Section 2.13, A.;
- . encroach upon any existing right-of-way if no proposed right-of-way exists or if the existing right-of-way is greater than the proposed right-of-way; or,
- . encroach into a clear sight triangular area, as required in Section 2.13, C.

(Section 2.00 General Regulations)

d. Expansion Along an Existing Legally Established Nonconforming Side Setback Line

The minimum required side setback in any Commercial District for any existing building, having a legally established side setback line which is less than the required side setback of the District, shall be modified to permit expansion of such building along its legally established nonconforming side setback line between the established front setback line and the established rear setback line provided that:

- (1) only a one time expansion along the legally established setback line shall be permitted; and,
- (2) the linear footage of such expansion does not exceed fifty percent (50%) of the linear footage of the building along that side setback line, and all other requirements of this ordinance are maintained for the expansion; and,
- (3) this exception shall not apply to required side transitional yards.

e. Discontinuation of Nonconformity

The lawful nonconforming use or occupancy of any lot, in a Commercial District, existing at the time of the effective date of this Ordinance, may be continued as a nonconforming use, but if such nonconforming use is discontinued for one (1) year, any future use or occupancy of said land shall be in conformity with the use provisions of this ordinance.

4. Integrated Center

Land uses permitted in a Commercial District established by this ordinance may be grouped together to create an integrated center in that District. Integrated centers are defined in Section 2.16.

5. Building or Structural Height Exception

The following exceptions to the maximum vertical height of buildings and structures shall be permitted:

- a. Parapet walls not exceeding two (2) feet in height from the roof line.
- b. Roof structures for the housing of elevators, stairways, air conditioning apparatus, ventilating fans, sky lights, or similar equipment to operate and maintain the building or structure.
- c. Chimneys, flag poles, radio and television antennas, satellite dishes, and other similar structures, not exceeding twenty-five (25) feet in height from the roof line.

6. Lot Frontage Exception

Any lot recorded or any platted lot recorded prior to the adoption of 92-AO-4, having less than the minimum frontage required by the applicable Commercial District regulations of this Ordinance, shall be deemed an exception to such minimum frontage requirement, and a commercial establishment may be constructed thereon provided all other requirements of this ordinance, unless specifically excepted in Section 2.00, shall be maintained.

7. Outdoor Retail Sales of Beverages, Flowers and Food From Carts on Sidewalks and Public Areas.

The outdoor retail sales of beverages, flowers and food from carts on sidewalks and public areas shall be subject to the provisions of, and approved by the City Controller in accordance with, Article XXIII, Chapter 17 of the Code of Indianapolis and Marion County, Indiana and shall not be subject to the provisions of this Ordinance.

B. PERFORMANCE STANDARDS

All uses established or placed into operation after April 8, 1969 shall comply with the following performance standards. No use in existence on the effective date of this ordinance shall be so altered or modified as to conflict with these standards.

1. VIBRATION No use shall cause earth vibration or concussions detectable beyond the lot lines without the aid of instruments.
2. SMOKE, DUST
AND PARTI-
CULATE
MATTER Smoke, dust, particulate matter and any other air-borne material shall be subject to the standards and regulations of Chapter Four of the Municipal Code of the City of Indianapolis, which ordinance is on file in the office of the Division of Neighborhood and Development Services, Department of Metropolitan Development of Marion County, Indiana, and is hereby incorporated by reference and made a part hereof.
3. NOXIOUS
MATTER No use shall discharge across the lot lines noxious, toxic or corrosive matter, fumes or gases in such concentration as to be detrimental to or endanger the public health, safety or welfare or cause injury to property.
4. ODOR No use shall emit across the lot lines odor in such quantities as to be readily detectable at any point along the lot lines and as to be detrimental to or endanger the public health, safety or welfare or cause injury to property.

(Section 2.00 General Regulations)

5. **SOUND** No use shall produce sound in such a manner as to endanger the public health, safety or welfare, or cause injury to property. Sound shall be muffled so as not to become detrimental due to intermittence, beat frequency, shrillness or vibration.
6. **HEAT AND GLARE** No use shall produce heat or glare creating a hazard perceptible from any point beyond the lot lines.
7. **WASTE MATTER** No use shall accumulate within the lot or discharge beyond the lot lines any waste matter, whether liquid or solid, in violation of the applicable standards and regulations of the Division of Public Health of the Health and Hospital Corporation of Marion County, Indiana, the Indiana State Board of Health, the Stream Pollution Control Board of the State of Indiana and the Department of Public Works of Indianapolis, Indiana, or in such a manner as to endanger the public health, safety or welfare or cause injury to property.

C. **PROHIBITED USES** (G.O. 92, 1994)

Uses for which the following Special Use District are provided, under the Special Use Districts Zoning Ordinance (as last amended by Docket 94-AO-4) as in effect from time to time, shall not be permitted in any Commercial Zoning District created under this Commercial Zoning Ordinance:

- SU-8 Correctional and penal institution
- SU-10 Cemetery
- SU-13 Sanitary landfill
- SU-18 Light or power substation
- SU-23 Permanent gravel or sand processing plant, rock crushing, grinding or milling and stock piling.
- SU-28 Petroleum refinery and petroleum products storage.
- SU-35 Telecommunication receiving or broadcasting tower and associated accessory buildings.
- SU-39 Water tank, water pumping station and similar structures not located on buildings.
- SU-41 Sewage disposal plant; garbage feeding and disposal.
- SU-42 Gas Utility
- SU-43 Power transmission lines.
- SU-44 Off-track Pari Mutuel Wagering Facilities, Licensed as Satellite Facilities under IC 4-31-5.5.

SECTION 2.01 C-1 OFFICE-BUFFER COMMERCIAL DISTRICT

STATEMENT OF PURPOSE:

The C-1 District is designed to provide specific areas where office uses, compatible office-type uses, such as medical and dental facilities, education services, and certain public and semi-public uses may be developed with the assurance that retail and other heavier commercial uses with incompatible characteristics will not impede or disrupt this District's function as a buffer. Since these office, office-type and public and semi-public structures are typically much less commercial in appearance and architecturally more harmonious with residential structures, this District can serve as a buffer between Protected Districts and more intense commercial or industrial areas/districts. This District, with its offices and other buffer-type uses, also is designed for use along certain thoroughfares where a gradual and reasonable transition from existing residential use should occur.

A. PERMITTED C-1 USES

Permitted uses in the C-1 District shall conform to the General Commercial District Regulations and Performance Standards of Section 2.00 and the C-1 District Development Standards of Section 2.01, B.

The following uses shall be permitted in the C-1 District:

1. AUDITORIUM, ASSEMBLY HALL
2. COMMUNITY, MULTISERVICE, NEIGHBORHOOD OR SENIOR CITIZENS' CENTER
3. DAY CARE CENTER (Adult, Child or Handicapped)
4. HEALTH SERVICES, (excluding Hospitals or Plasma Centers),
Including the following:

Blood Donor Stations
Convalescent or Nursing Homes
Immediate Care Facilities
Intermediate Care Facilities
Medical or Dental Laboratories
Nursing Care (Skilled) Facilities

Offices and Clinics of:
Chiropractors
Dentists
Optometrists
Osteopathic Physicians
Outpatient Clinics
Physicians (MD)
Podiatrists

5. MEMBERSHIP ORGANIZATION OR CLUB, ANY TYPE,

The following organizations, however, shall be limited to offices only:

Athletic Club
Automobile Owners' Association or
Club
Condominium Association (except
property management)
Contractor's Association
Farm Bureau or Grange

Fraternity or Sorority
Homeowner's Association
(except property management)
Manufacturer's Institute
Tenant Association (except
property management)

(Section 2.01 C-1 District)

6. MORTUARY, FUNERAL HOME

7. OFFICE USE, ANY TYPE including:

Business or Personal Service	Governmental
Financial (bank, savings & loan, credit union, etc.)	Professional Social Services (office only)

8. OFFICE OR STUDIO OF THE FOLLOWING:

Radio Station	Television Station
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9. PUBLIC AND SEMI-PUBLIC USES, including:

Art Gallery (excluding sales)	Library
Civic Clubs	Museum Planetarium

10. SCHOOLS/EDUCATIONAL SERVICES, shall include only the following:

Business and Secretarial	Data Processing	Music
Clerical	Junior College	Nursery
Correspondance	Language	Vocational or Technical

11. ACCESSORY USES AND STRUCTURES, subordinate, appropriate and incidental to the above permitted primary uses, including supportive services directly related to and in the same building with the primary use and accessory retail and service commercial uses as permitted below and subject to the provisions of Section 2.01, B, 1, g.

Cafeteria (serving office employees and guests only)	Office Supplies
Drug Store/Pharmacy	Optical Goods
Florist (including florist telegraph service)	Photocopying and Duplicating Services
News Dealers and Newsstands	Restaurant (serving office employees and guests only)

12. TEMPORARY STRUCTURES, including fences, walls, buildings, barricades and similar temporary structures incidental and necessary to the development of land during construction shall be subject to the requirements of Section 2.13, E.

B. C-1 DEVELOPMENT STANDARDS

1. USE

- a. All uses and operations (except off-street parking, off-street loading and delivery, and drive-through customer service windows) shall be conducted completely within enclosed buildings. On-site vehicular circulation and traffic patterns for all drive-through facilities shall be subject to the requirements of Section 2.12.
- b. No outdoor storage shall be permitted, except trash containers. Trash containers exceeding six (6) cubic feet shall:
 - (1) be completely screened on at least three (3) sides within a solid-walled or fenced stall not less than six (6) feet in height. The open side of the stall, if applicable, shall not face any Protected District, nor shall it be viewed from any street frontage; and,
 - (2) be located behind the established front building line; and,
 - (3) not be located within a required yard or required transitional yard.
- c. No vending machines shall be permitted on the exterior of any building or structure on the premises. Vending machines may be located within a building.
- d. No merchandise shall be produced, stored or handled on the premises for purposes of delivery or for sale at retail, wholesale or discount to the public or other businesses unless minor and incidental to the function of the permitted primary use or as reasonably needed for the supportive services or permitted accessory retail and service commercial uses.
- e. No exterior display windows or other exterior display displaying, promoting or advertising products, merchandise or services retailed, offered, promoted or advertised by the use occupying the premises, shall be permitted.

(Section 2.01 C-1 District)

- f. Automated Teller Machines (ATM's) are permitted accessory uses in this District provided they are not free standing. ATM's shall meet the requirements of Section 2.12 if they are drive-through in nature.
- g. Accessory uses or structures, if utilized, shall:
 - (1) have a total gross floor area for accessory retail or service commercial uses which does not exceed ten percent (10%) of the total gross floor area of the primary building in which the use is located; and,
 - (2) have accessory retail or service commercial uses for the primary purpose of serving the occupants or employees of the primary use structures; and,
 - (3) have a total gross square footage for all accessory structures which does not exceed ten percent (10%) of the total gross square footage of all primary structures on the lot.

2. REQUIRED MINIMUM STREET FRONTAGE

Each lot or integrated center shall have at least fifty (50) feet of frontage on a street right-of-way (unless subject to Section 2.00, A, 6, Lot Frontage Exception), and shall gain access from said street frontage.

3. REQUIRED MINIMUM FRONT YARDS, MINIMUM FRONT SETBACK

The setback requirements of Section 2.13, A, shall be provided along all street right-of-way lines, unless subject to the Established Setback provisions of Section 2.00, A, 3, b. or c.

4. REQUIRED MINIMUM SIDE YARDS, MINIMUM SIDE SETBACK

A side setback and landscaped side yard of not less than ten (10) feet in depth, measured from and paralleling the lot line, shall be provided unless subject to the additional transitional yard requirements of Section 2.01, B, 6 or 8.

5. REQUIRED MINIMUM REAR YARDS, MINIMUM REAR SETBACK

A rear setback and landscaped rear yard of not less than ten (10) feet in depth, measured from and paralleling the lot line, shall be provided unless subject to the additional transitional yard requirements of Section 2.01, B, 6 or 8.

6. **REQUIRED
TRANSITIONAL
YARDS, MINIMUM
SETBACKS**

Minimum front, side and rear transitional yards and setbacks - Yards fronting upon or abutting a Protected District are subject to the requirements of Section 2.01, B, 7 or 8 in addition to the following requirements:

- a. Where a front yard abuts a street on the opposite side of which is a Protected District, a minimum required front transitional yard and setback of not less than twenty (20) feet in depth, measured from and paralleling the proposed right-of-way line of the street, shall be provided unless subject to the regulations of Section 2.00, A, 3, b or c, or Section 2.13, A. In the case where a proposed right-of-way line does not exist or the existing right-of-way is greater, the existing right-of-way line shall be used for the setback measurement.
- b. Where a side or rear lot line abuts a lot line in an adjacent Protected District, a required side or rear transitional yard and setback of not less than fifteen (15) feet in depth, measured from and paralleling the lot line, shall be provided along such side or rear lot line.

Exceptions:

- (1) Where a dedicated alley separates such side or rear lot line from the Protected District, said required side or rear transitional yard and setback shall be not less than ten (10) feet.
- (2) Where the ground area required for required transitional yards exceeds twenty percent (20%) of the lot area, the width of the side or rear transitional yards may be reduced by one-half (1/2), but to not less individually than six (6) foot planting areas, provided a six (6) foot opaque wooden fence or solid wall is erected.
- (3) The transitional yard requirements of Section 2.01, B, 6 shall not apply in those instances where commercial or industrial use, legally established by permanent variance or lawful nonconforming use, exists upon such adjoining property or abutting frontage property, although zoned as a Protected District.

(Section 2.01 C-1 District)

7. USE OF
REQUIRED
YARDS
AND REQUIRED
TRANSITIONAL
YARDS

All required yards and required transitional yards shall be landscaped with grass, and shrubbery, trees, or hedge, or in combination with other suitable ground cover materials, subject to the requirements of Section 2.13, G, and shall remain as open space free from structures except where expressly permitted by this Ordinance:

a. Required front yards:

- (1) may include pedestrian walks, driveways, flag poles, fences, screening walls and similar appurtenant structures; and,
- (2) shall not include parking areas or interior access drives, unless subject to the provisions of Section 2.13, A.

b. Required side and rear yards:

- (1) may include pedestrian walks, interior access driveways, flag poles, fences, screening walls and similar appurtenant structures; and,
- (2) may include interior access drives and parking areas, unless subject to the transitional yard requirements of Section 2.01, B, 6 or 8, provided a six (6) foot wide landscaped strip of the required yard, adjacent to the lot line while paralleling and extending the full length of such lot line, except when interrupted by interior access driveway(s), shall be maintained.

c. Required front, side or rear transitional yards:

- (1) may include pedestrian walks, driveways, interior access driveways, flag poles, fences, screening walls and similar appurtenant structures; and,
- (2) shall not include parking areas or interior access drives, unless subject to the provisions of Section 2.13, A.

8. MAXIMUM HEIGHT OF
BUILDINGS AND
STRUCTURES

Fifty (50) feet, subject to the exceptions noted in Section 2.00, A, 5.

Provided, however:

- a. along any required front, side or rear transitional yard as specified in Section 2.01, B, 6, the minimum required setback for that portion of the building exceeding thirty-five (35) feet shall be increased by one (1) foot for each additional one (1) foot, or part thereof, of building or structural height above thirty-five (35) feet, (see Section 2.16, Diagram I).
- b. the height of signs and sign structures shall comply with the Sign Regulations of Marion County, Indiana, 71-AO-4, as amended.

9. SIGNS

Signs and sign structures shall comply with the Sign Regulations of Marion County, Indiana, 71-AO-4, as amended.

**10. OFF-STREET
PARKING**

Off-street parking facilities shall be provided in accordance with the off-street parking regulations of Section 2.10.

**11. OFF-STREET
LOADING**

Off-street loading facilities shall be provided in accordance with the off-street loading regulations of Section 2.11.

**12. DRIVE-THROUGH
OFF-STREET
STACKING SPACE
REGULATIONS**

Off-street stacking spaces shall be provided in accordance with the drive-through or drive-in stacking space regulations of Section 2.12.

**13. ADDITIONAL
DEVELOPMENT
REQUIREMENTS**

Site and landscape plans, street requirements, temporary use structures or buildings, or screening, landscaping and grounds maintenance, shall be in accordance with Section 2.13.

SECTION 2.02 C-2 HIGH INTENSITY OFFICE-APARTMENT COMMERCIAL DISTRICT

STATEMENT OF PURPOSE:

The C-2 District is designed to permit, in certain areas within the inner city along a few suitable arterial streets and in association with regional commercial complexes in the suburbs, the development of high-rise office uses or apartments intermixed, grouped in varying combinations or provided in the same building. The structural similarity and the possible functional interrelationship of living and working space can create an unusual compatibility of land use - especially in locations where access is particularly good. This type of District may represent a subordinate development to and near the Central Business District, the dominant function of an "uptown" location within the inner city or a major feature of a suburban, regional commercial focal point or planned community.

A. PERMITTED C-2 USES

Permitted uses in the C-2 District shall conform to the General Regulations and Performance Standards of Section 2.00, and the C-2 District Development Standards of Section 2.02, B.

The following uses shall be permitted in the C-2 District:

1. **ANY USE PERMITTED IN THE C-1 DISTRICT.**
2. **ATTACHED MULTIFAMILY DWELLINGS:** subject to, and conforming to, all standards, requirements, regulations and definitions of Section 2.00 (General Regulations), Section 2.25 (Definitions), and Section 2.12 (D-8 Dwelling District Eight Regulations) of the Dwelling Districts Zoning Ordinance of Marion County, Indiana, 89-AO-2, as amended, except for those pertaining to building height, yards and setbacks, in which case the regulations pertaining to those items found in Section 2.02 of the Commercial Districts Zoning Ordinance shall apply.
3. **ACCESSORY USES AND STRUCTURES,** subordinate, appropriate and incidental to the above permitted primary uses, including supportive services directly related to and in the same building with the primary use, and accessory retail and service commercial uses, as permitted below and subject to the requirements of Section 2.02, B, 1, g.

Art Gallery (sales/rental of art)
Bakery
Barber Shop (excluding schools/
colleges)
Beauty Shop (excluding schools/
colleges)
Book Store (new or used, exclu-
ding adult bookstore)
Cafeteria (for office employees
or guests only)
Candle Shop
Candy, Nut or Confectionery Store
Card Shop
Drug Store, Pharmacy or
Florist (including florist
telegraph service)
Gift, Novelty or Souvenir Shop

News Dealers and Newsstands
Office Supplies
Optical Goods (excluding
optometrists)
Photocopying and Duplica-
ting Services
Photographic Studio,
Portrait
Photographic Supplies
Pressing Service, Apparel
Restaurant (for office
employees or guests only)
Shoeshine Parlor
Stationery Store
Tobacco Store or Stand

4. **TEMPORARY STRUCTURES**, including fences, walls, buildings, barricades and similar temporary structures incidental and necessary to the development of land during construction shall be subject to the requirements of Section 2.13, E.

B. C-2 DEVELOPMENT STANDARDS

1. USE

- a. All uses and operations (except off-street parking, off-street loading and drive-through customer service windows) shall be conducted completely within enclosed buildings. On-site vehicular circulation and traffic patterns for all drive-through facilities shall be subject to the requirements of Section 2.12.
- b. No outdoor storage shall be permitted except trash containers. Trash containers exceeding six (6) cubic feet shall:

- (1) be completely screened on at least three (3) sides within a solid-walled or fenced stall not less than six (6) feet in height. The open side of the stall, if applicable, shall not face any Protected District, nor shall it be viewed from any street frontage; and,

(Section 2.02 C-2 District)

- (2) be located behind the established front building line; and,
 - (3) not be located within a required yard or required transitional yard.
- c. No vending machines shall be permitted on the exterior of any building or structure on the premises. Vending machines may be located within a building.
- d. No merchandise shall be produced, stored or handled on the premises for purposes of delivery or for sale at retail, wholesale or discount to the public or other businesses unless minor and incidental to the function of the permitted primary use or as reasonably needed for the supportive services or permitted accessory retail and service commercial uses.
- e. No exterior display windows or other exterior display promoting, advertising or displaying products, merchandise or services retailed, offered, promoted or advertised by the use occupying the premises, shall be permitted.
- f. Automated Teller Machines (ATM's) are permitted accessory uses in this district provided they are not free standing. ATM's shall meet the requirements of Section 2.12 if they are drive-through in nature.
- g. Accessory uses or structures, if utilized, shall:
 - (1) have a total gross floor area for accessory retail or service commercial uses, which does not exceed ten percent (10%) of the total gross floor area of the primary building in which the use is located; and,
 - (2) have accessory retail or service commercial uses for the primary purpose of serving the occupants and/or employees of the primary use structure; and,

- (3) have a total gross square footage for all accessory structures which does not exceed ten percent (10%) of the total gross square footage of all primary structures on the lot; and,
 - (4) not erect or maintain exterior signs announcing accessory uses or structures.
- 2. **REQUIRED MINIMUM STREET FRONTAGE** Each lot or integrated center shall have at least fifty (50) feet of frontage on a street right-of-way (unless subject to Section 2.00, A, 6, Lot Frontage Exception), and shall gain access from said street frontage.
- 3. **REQUIRED MINIMUM FRONT YARDS, MINIMUM FRONT SETBACK** The setback requirements of Section 2.13, A, shall be provided along all street right-of-way lines, unless subject to the provisions of Section 2.00, A, 3, b or c.
- 4. **REQUIRED MINIMUM SIDE YARDS, MINIMUM SIDE SETBACK** A side setback and landscaped side yard of not less than ten (10) feet in depth, measured from and paralleling the lot line, shall be provided unless subject to the additional transitional yard requirements of Section 2.02, B, 6 or 8.
- 5. **REQUIRED MINIMUM REAR YARD, MINIMUM REAR SETBACK** A rear setback and landscaped rear yard of not less than ten (10) feet in depth, measured from and paralleling the lot line, shall be provided unless subject to the additional transitional yard setback requirements of Section 2.02, B, 6 or 8.
- 6. **REQUIRED TRANSITIONAL YARDS, MINIMUM SETBACKS** Minimum front, side and rear transitional yards and setbacks - Yards fronting upon or abutting a Protected District are subject to the requirements of Section 2.02, B, 7 or 8 in addition to the following requirements:
 - a. Where a front yard abuts a street on the opposite side of which is a Protected District, a minimum required front transitional yard and setback of not less than twenty (20) feet in depth, measured from and paralleling the proposed right-of-way line of the street, shall be provided unless subject to the regulations of Section 2.00, A, 3, b, or c, or Section 2.13, A.

In the case where a proposed right-of-way line does not exist, or the existing right-of-way is greater, the existing right-of-way line shall be used for the setback measurement.

- b. Where a side or rear lot line abuts a lot line in an adjacent Protected District, a required side or rear transitional yard and setback of not less than fifteen (15) feet in depth, measured from and paralleling the lot line, shall be provided along such side or rear lot line.

Exceptions:

- (1) Where a dedicated alley separates such side or rear lot line from the Protected District, said required side or rear transitional yard and setback shall be not less than ten (10) feet.
- (2) Where the ground area required for required transitional yards exceeds twenty percent (20%) of the lot area, the width of the side or rear transitional yards may be reduced by one-half ($1/2$), but to not less individually than six (6) foot planting areas, provided a six (6) foot opaque wooden fence or solid wall is erected.
- (3) The transitional yard requirements of Section 2.02, B, 6 shall not apply in those instances where commercial or industrial use, legally established by permanent variance or lawful non-conforming use, exists upon such adjoining property or abutting frontage property, although zoned as a Protected District.

7. **USE OF
REQUIRED
YARDS
AND REQUIRED
TRANSITIONAL
YARDS**

All required yards shall be landscaped with grass and shrubbery, trees or hedge, or in combination with other suitable ground cover materials, subject to the requirements of Section 2.13, G, and shall remain as open space free from structures except where expressly permitted by this Ordinance:

a. Required front yards:

- (1) may include pedestrian walks, driveways, flag poles, fences, screening walls and similar appurtenant structures; and,

- (2) shall not include parking areas or interior access drives, unless subject to the provisions of Section 2.13, A.

b. Required side and rear yards:

- (1) may include pedestrian walks, interior access driveways, flag poles, fences, screening walls, and similar appurtenant structures; and,
- (2) may include interior access drives and parking areas, unless subject to the transitional yard requirements of Section 2.02, B, 6, or B, 8, provided a six (6) foot wide landscaped strip of the required yard, adjacent to the lot line while paralleling and extending the full length of such lot line, except when interrupted by interior access driveway(s), shall be maintained.

c. Required front, side and rear transitional yards:

- (1) may include pedestrian walks, driveways, interior access driveways, flag poles, fences, screening walls and appurtenant structures; and,
- (2) shall not include parking areas or interior access drives, unless subject to the provisions of Section 2.13, A.

8. **MAXIMUM HEIGHT OF BUILDINGS AND STRUCTURES**

There shall be no height limitation for buildings and structures provided that:

- a. Minimum required front, side and rear yard setbacks shall be increased by one (1) foot for each three (3) additional feet, or part thereof, of building or structural height above thirty-five (35) feet to a maximum front, side or rear building setback requirement of thirty (30) feet; and,
- b. Minimum required setback along any required front, side or rear transitional yard as specified in section 2.02, B, 6 shall be increased by one (1) foot for each one (1) foot, or part thereof, of building or structural height above thirty-five (35) feet to a maximum front, side or rear building setback requirement of fifty (50) feet (see Section 2.16, Diagram I.).

- c. The height of signs and sign structures shall comply with the Sign Regulations of Marion County, Indiana, 71-AO-4, as amended.

- 9. **SIGNS** Signs and sign structures shall comply with the Sign Regulations of Marion County, Indiana, 71-AO-4, as amended.
- 10. **OFF-STREET PARKING** Off-street parking facilities shall be provided in accordance with the off-street parking regulations of Section 2.10.
- 11. **OFF-STREET LOADING** Off-street loading facilities shall be provided in accordance with the off-street loading regulations of Section 2.11.
- 12. **DRIVE-THROUGH OFF-STREET STACKING SPACE REGULATIONS** Off-street stacking spaces shall be provided in accordance with the drive-through or drive-in stacking space regulations of Section 2.12.
- 13. **ADDITIONAL DEVELOPMENT REQUIREMENTS** Site and landscaping plans, street requirements, temporary use structures or buildings, or screening, landscaping and grounds maintenance, shall be in accordance with Section 2.13.

SECTION 2.03 C-3 NEIGHBORHOOD COMMERCIAL DISTRICT

STATEMENT OF PURPOSE:

The C-3 District is designed to permit the development of a complete range of retail sales and personal, professional and business services required to meet the maximum demand of a fully developed residential neighborhood - regardless of its size. Examples of such types of uses include neighborhood shopping centers, sales of retail convenience or durable goods, shopping establishments, retail and personal and professional service establishments. It does not make provision, however, for those businesses that draw customers in significant numbers from well beyond a neighborhood boundary and are, therefore, unusually heavy traffic generators, such as theaters. It does not allow those businesses that require the outdoor display, sale or storage of merchandise; require outdoor operations; or permit outdoor service and consumption of food and beverages. In general, to achieve maximum flexibility of permitted land use, the C-3 District makes possible a highly varied grouping of indoor retail and business functions.

A. PERMITTED C-3 USES

Permitted uses in the C-3 District shall conform to the General Commercial District Regulations and Performance Standards of Section 2.00, and the C-3 Development Standards of Section 2.03, B.

The following uses shall be permitted in the C-3 District:

1. **ANY USE PERMITTED IN THE C-1 DISTRICT** (except Convalescent or Nursing Home, Day Care Center).
2. **AUTOMOBILE OIL CHANGE OR LUBRICATION SHOPS**, subject to the provisions of Section 2.03, B, 1, f.
3. **CHECK CASHING OR VALIDATION SERVICE**
4. **COUPON OR TRADING STAMP REDEMPTION SERVICE**
5. **DRINKING PLACE** (no dancing or entertainment), subject to the provisions of Section 2.03, B, 1, e, including:
Bar Tavern
6. **EATING PLACE, ANY TYPE OF RESTAURANT**, subject to the provisions of Section 2.03, B, 1, e.
7. **EMERGENCY SHELTER**

(Section 2.03 C-3 District)

8. **GASOLINE SERVICE STATION** (except truck stop), subject to the provisions of Section 2.03, B, 1, f.
9. **OUTDOOR ADVERTISING SIGNS**, subject to the Sign Regulations of Marion County, Indiana, 71-AO-4, as amended.
10. **PARCEL PACKING/MAILING SERVICE** (excluding industrial)
11. **PERSONAL SERVICE ESTABLISHMENT**, including the following:

Barber Shop	Mail Order Store
Beauty Shop	Photofinishing ("one-hour" photo service)
Dry Cleaning or Laundry	Photography Studio
Pick-up Stations	Power Laundry
Garment Pressing Laundromats	Radio or Television Service
Interior Decorator	Tailor, Seamstress or Dressmaker
Key Duplicating Shop	Tanning Salon
Locksmith	Tattoo Parlor
12. **POST OFFICE**
13. **RENTAL OR LEASING OF:**

Clothing	Furniture
Computers	Office Machines
Costumes	
14. **REPAIR OF:**

Bicycles	Musical Instruments
Cameras	Optical Goods
Clocks, Watches or Jewelry	Radios or Televisions
Computers	Shoes
Dental Instruments	Typewriters
Drafting Instruments	

15. RETAIL-TYPE USE, including the following:

Antique Store	Gift Shop
Appliance Store (Household or Minor)	Hardware Store
Clothing, Apparel or Accessory Store, any type, including uniforms	Hobby, Toy or Game Shop, including:
Bait and Tackle Shop	Arts and Crafts Shop
Bicycle Store	Hospital and Sick Room Sales/ Rental and Equipment
Book Store (new or used, excluding Adult Bookstores)	Jewelry Store
Camera and Photographic Supply Store	Liquor Store (Package)**
Card Store	Luggage and Leather Goods
Computer or Computer Software Store	Music Store, new or used, including:
Department Store, any type	Musical Instrument Store
Drapery/Curtain Store	Record, Tape, Compact Disk Store
Drug Store, Pharmacy	Sheet Music Store
Dry Goods Store	Office Supply Store
Fabric Store	Optical Goods Store
Food Store, any type, including:	Paint or Wallpaper Store
Bakery	Pawn Shop
Candy, Nut or Confectionery Stores	Pet Grooming
Convenience Market*	Pet Obedience School
Deli	Pet Shop
Grocery Store	Pool and Billiard Table Store
Produce, Fruit, Fish or Meat Markets	Radio, Television or Consumer Electronics Store
Floor Covering Store, including: Carpet, Linoleum, Tile	Religious Goods Store
Florist (including telegraph service)	Second Hand Store (excluding automotive or building materials)
Frame Shop	Shoe Store, any type
Furniture Store, any type	Sporting Goods Store
	Stationer
	Telephone Store
	Tobacco Store
	Trading Stamp Center
	Trophy Shop
	Typewriter Shop
	Variety Store

* Subject to the provisions of Section 2.03, B, 1, f.

** Subject to the provisions of Section 2.03, B, 1, e.

16. SCHOOLS, including:

Art	Dance
Barber College/School	Karate or Martial Arts
Beauty or Cosmetology College/School	Photography

17. SINGING SOCIETY

18. SOCIAL CLUB, MEMBERSHIP

19. TEMPORARY SEASONAL RETAIL SALES USE, Subject to the provisions of Section 2.13, F.

20. OTHER USES SIMILAR AND COMPARABLE IN CHARACTER TO THE ABOVE PERMITTED USES.

21. ACCESSORY USES AND STRUCTURES, subordinate, appropriate and incidental to the above permitted primary uses, including supportive services directly related to and located in the same building with the primary use, shall be subject to the requirements of Section 2.03, B, 1, g.

22. TEMPORARY STRUCTURES, including fences, walls, buildings, barricades and similar temporary structures incidental and necessary to the development of land during construction shall be subject to the requirements of Section 2.13, E.

B. C-3 DEVELOPMENT STANDARDS

1. USE

a. No single use, whether free standing or contained within an integrated center shall exceed sixty thousand (60,000) square feet of gross floor area.

No shopping center or integrated center shall exceed one hundred twenty-five thousand (125,000) square feet of total gross floor area.

b. All uses and operations (except off-street parking, off-street loading and drive-through customer service windows) shall be conducted completely within enclosed buildings, except where otherwise specifically permitted. On-site vehicular circulation and traffic patterns for all drive-through facilities shall be subject to the requirements of Section 2.12.

c. No outdoor storage shall be permitted, except:

(1) Trash containers. Trash containers exceeding six (6) cubic feet shall:

i. be completely screened on at least three (3) sides within a solid-walled or fenced stall not less than six (6) feet in height. The open side of the stall, if applicable, shall not face any Protected District, nor shall it be viewed from any street frontage; and,

- ii. be located behind the established front building line; and,
 - iii. not be located within a required yard or required transitional yard.
- (2) Recycling containers. Recycling containers shall be subject to the requirements of Section 2.13, D, (Requirements for Recycling Containers).
- d. Vending machines shall be permitted provided the machine(s) shall:
- (1) be located within a building; or,
 - (2) be located on the exterior of a building abutting its exterior wall; and,
 - (3) not be located within a required yard or required transitional yard.
- e. Taverns, package liquor stores, fast food or drive-through restaurants, and such establishments, where food or alcoholic beverages may be carried out, shall:
- (1) provide adequate outdoor convenience trash containers; and,
 - (2) not provide outdoor tables and/or seats; and,
 - (3) not be located within one hundred (100) feet, measured in any direction, of a Protected District. The measurement shall be taken from the exterior of the building (or the tenant bay of the establishment if the use is in an integrated center), to the zoning boundary of the Protected District except when such establishment is separated from said Protected District by an intervening street (see Section 2.16, Diagram J).
- f. Gasoline service stations, lubricating and oil change services, convenience markets, service centers or functions, shall:
- (1) not include the following:
 - i. any outdoor service operations (other than the dispensing or installation of gasoline, oil, anti-freeze, headlights, wiper blades and

other similar products and the performance of minor services for customers as related to said dispensing or installation);

- ii. the sale, rental, display or storage of vehicles, trailers, tractors, machinery or other similar equipment;
- iii. commercial parking of vehicles;
- iv. major servicing of motor or body repair such as, but not limited to, body or fender work, motor overhaul, major transmission repair, auto glass work, tire recapping, muffler repair or installation, auto body painting or trim shops; or,
- v. dismantling or wrecking of any vehicles, or the storage of inoperable, damaged or wrecked vehicles.

(2) The exterior display, sales or storage of antifreeze, batteries, tires, oil, and other merchandise or products is permitted, provided such display or storage is:

- i. accessory to the primary use; and,
- ii. located immediately adjacent to the primary structure, but not within any required yard or required transitional yard; and,
- iii. not more than two hundred (200) square feet in total area; and,
- iv. maintained in an orderly manner; and,
- v. not illuminated.

(3) A maximum of three (3) accessory indoor service bays may be provided for minor automotive servicing and repair. "Service bay" is defined in Section 2.16.

g. Accessory uses or structures shall:

have a total gross floor area which does not exceed twenty-five percent (25%) of the total gross floor area of the primary uses or structures; and,

2. **REQUIRED MINIMUM STREET FRONTAGE**

Each lot or integrated center shall have at least fifty (50) feet of frontage on a street right-of-way (unless subject to Section 2.00, A, 6, Lot Frontage Exception), and shall gain access from said street frontage.
3. **REQUIRED MINIMUM FRONT YARDS, MINIMUM FRONT SETBACK**

The setback requirements of Section 2.13, A, shall be provided along all street right-of-way lines, unless subject to the Established Setback provisions of Section 2.00, A, 3, b or c.
4. **REQUIRED MINIMUM SIDE YARDS, MINIMUM SIDE SETBACK**

No side yard or side setback shall be required unless subject to the requirements for transitional yards of Section 2.03, B, 6 or 8.
5. **REQUIRED MINIMUM REAR YARD, MINIMUM REAR SETBACK**

No rear yard or rear setback shall be required unless subject to the requirements for transitional yards of Section 2.03, B, 6 or 8.
6. **REQUIRED TRANSITIONAL YARDS, MINIMUM SETBACKS**

Minimum front, side and rear transitional yards and setbacks - Yards fronting upon or abutting a Protected District are subject to the requirements of Section 2.03, B, 7 or 8 in addition to the following requirements:

 - a. Where a front yard abuts a street on the opposite side of which is a Protected District, a minimum required front transitional yard and setback of not less than twenty (20) feet in depth, measured from and paralleling the proposed right-of-way line of the street, shall be provided unless subject to the regulations of Section, 2.00, A, 3, b or c, or Section 2.13, A. In the case where a proposed right-of-way line does not exist, or the existing right-of-way is greater, the existing right-of-way line shall be used for the setback measurement.
 - b. Where a side or rear lot line abuts a lot line in an adjacent Protected District, a required side or rear transitional yard and setback of not less than twenty (20) feet in depth, measured from and paralleling the lot line, shall be provided along such side or rear lot line.

Exceptions:

- (1) Where a dedicated alley separates such side or rear lot line from the Protected District, said required side or rear transitional yard and setback shall be not less than ten (10) feet.
- (2) Where the ground area required for required transitional yards exceeds twenty percent (20%) of the lot area, the width of the side or rear transitional yards may be reduced by one-half ($1/2$), but to not less individually than six (6) foot planting areas, provided a six (6) foot opaque wooden fence or solid wall is erected.
- (3) The transitional yard requirements of Section 2.03, B, 6 shall not apply in those instances where a commercial or industrial use, legally established by permanent variance or lawful nonconforming use, exists upon such adjoining property or abutting frontage property, although zoned as a Protected District.

7. **USE OF
REQUIRED
YARDS
AND REQUIRED
TRANSITIONAL
YARDS**

All required yards and required transitional yards shall be landscaped with grass, shrubbery, trees, or hedge, or in combination with other suitable ground cover materials subject to the requirements of Section 2.13, G, and shall remain as open space free from structures except where expressly permitted by this Ordinance including the following regulations:

a. Required front yards:

- (1) may include pedestrian walks, driveways, flag poles, fences, screening walls, and similar appurtenant structures; and,
- (2) shall not include parking areas and interior access drives, unless subject to the provisions of Section 2.13, A.

b. Required front, side and rear transitional yards:

- (1) may include pedestrian walks, driveways, interior access driveways, flag poles, fences, screening walls, and similar appurtenant structures; and,

- (2) shall not include parking areas or interior access drives, unless subject to the provisions of Section 2.13, A.

8. **MAXIMUM HEIGHT OF BUILDINGS AND STRUCTURES**

Thirty-five (35) feet, subject to the exceptions noted in Section 2.00, A, 5.

Provided, however:

- a. along any required front, side or rear transitional yard, as specified in Section 2.03, B, 6, the minimum required setback for that portion of the building exceeding eighteen (18) feet shall be increased by one (1) foot for each additional one (1) foot, or part thereof, of building or structural height above eighteen (18) feet (see Section 2.16, Diagram I).
- b. the height of signs and sign structures shall comply with the Sign Regulations of Marion County, Indiana, 71-AO-4, as amended.

9. **SIGNS**

Signs and sign structures shall comply with the Sign Regulations of Marion County, Indiana, 71-AO-4 as amended.

10. **OFF-STREET PARKING**

Off-street parking facilities shall be provided in accordance with the off-street parking regulations of Section 2.10.

11. **OFF-STREET LOADING**

Off-street loading facilities shall be provided in accordance with the off-street loading regulations of Section 2.11.

12. **DRIVE-THROUGH OFF-STREET STACKING SPACE REGULATIONS**

Off-street stacking spaces shall be provided in accordance with the drive-through or drive-in stacking space regulations of Section 2.12.

13. **ADDITIONAL DEVELOPMENT REQUIREMENTS**

Site and landscape plans, street requirements, recycling containers, temporary use structures and buildings, temporary seasonal retail sales uses, or screening, landscaping and grounds maintenance, shall be in accordance with Section 2.13.

SECTION 2.035 C-3C CORRIDOR COMMERCIAL DISTRICT

STATEMENT OF PURPOSE:

The C-3C (Commercial Corridor) District, like the C-3 (Neighborhood Commercial) District, is designed for those professional offices and commercial businesses which typically do not draw customers from beyond their respective neighborhood boundaries. Examples of such types of uses include sales of retail convenience or durable goods, shopping establishments, and personal and professional service establishments. It is planned, therefore, for use in older urban commercial areas which are located adjacent to established residential neighborhoods on select segments of primary and secondary thoroughfares. Characterized by small-scale commercial buildings abutting the pedestrian walkway and vehicular traffic, these areas often suffer from limited availability of off-street parking. In addition, certain redevelopment areas and infill projects can be suitably located in a C-3C District. To encourage the optimal utilization of these types of commercial areas, residential units are permitted in commercial buildings. This feature and the location of this district within walking distance to residential districts dictate that selected types of offices and other commercial uses which do not generate substantial vehicular traffic locate in the C-3C District. In order to perform its buffering function, floor areas are restricted, screening with fences, walls or landscaping are required and other similar amenities are necessary for optimum compatibility of this District with the adjacent residential development.

A. PERMITTED C-3C USES

Permitted uses in the C-3C District shall conform to the General Commercial District Regulations and Performance Standards of Section 2.00, and the C-3C District Development Standards of Section 2.035, B.

The following uses shall be permitted in the C-3 District:

1. ANY USE PERMITTED IN THE C-1 DISTRICT (except Convalescent or Nursing Home, Day Care Center).
2. DWELLING UNIT(S), as defined in Section 2.16.
3. EATING PLACE, ANY TYPE OF RESTAURANT, subject to the provisions of Section 2.035, B, 1.
4. MEMBERSHIP ORGANIZATION OR CLUB, ANY TYPE
5. OUTDOOR ADVERTISING SIGNS, subject to the Sign Regulations of Marion County, Indiana, 71-AO-4, as amended.

6. PERSONAL SERVICE ESTABLISHMENT, including the following:

Barber Shop	Garment Pressing
Beauty Shop	Laundromats, Coin-operated
Check Cashing or	Laundries and Drycleaning
Validation Service	Locksmith
Clothing Rental, including	Pet Grooming
costume or tuxedo	Photography Studio
Computer Store	Tailor, Seamstress or
Furniture Rental/Leasing	Dressmaker
Hat Cleaning and Blocking Shop	Tanning Salon

7. REPAIR OF:

Bicycles	Drafting Instruments
Cameras	Musical Instruments
Clocks, Watches or Jewelry	Optical Goods
Computers	Radios or Televisions
Dental Instruments	Shoes
	Typewriters

8. RETAIL-TYPE USE, including the following:

Antique Store	Frame Shop
Appliance Store (Household or	Furniture Store, any type
Minor)	Gift Shop
Clothing, Apparel or Accessory	Hardware Store
Store, any type, including	Hobby, Toy or Game Shop,
uniforms	including:
Bait and Tackle Shop	Arts and Crafts Shop
Bicycle Store	Jewelry Store
Book Store (new or used,	Luggage and Leather Goods
excluding Adult Bookstore)	Music Store, including:
Camera and Photographic	Record, Tape, Compact
Supply Store	Disk Store
Card Store	Musical Instrument Store
Computer or Computer	Sheet Music Store
Software Store	Office Supply Store
Drapery/Curtain Store	Optical Goods Store
Dry Goods Store	Paint or Wallpaper Store
Fabric Store	Religious Goods Store
Floor Covering Store,	Shoe Store
including: Carpet,	Sporting Goods Store
Linoleum, Tile	Stationer
Florist (including telegraph	Telephone Store
service)	Tobacco Store
Food Store, Any Type,	Trophy Shop
including:	Typewriter Shop
Bakery	Variety Store
Candy, Nut or Confectionery	Video Tape Rental or Sales
Stores	
Deli	
Grocery Store	
Produce, Fruit, Fish or	
Meat Markets	

(Section 2.035 C-3C District)

9. **OTHER USES SIMILAR AND COMPARABLE IN CHARACTER TO THE ABOVE PERMITTED USES.**
10. **ACCESSORY USES AND STRUCTURES**, subordinate, appropriate and incidental to the above permitted primary uses, including supportive services directly related to and located in the same building with the primary use, shall be subject to the requirements of Section 2.035, B, 1, h.
11. **TEMPORARY STRUCTURES**, including fences, walls, buildings, barricades and similar temporary structures incidental and necessary to the development of land during construction shall be subject to the requirements of Section 2.13, E.

B. C-3C DEVELOPMENT STANDARDS

1. **USE**
 - a. No single commercial establishment shall exceed eight thousand (8,000) square feet in total gross floor area.
 - b. All uses and operations (except off-street parking, and off-street loading) shall be conducted completely within enclosed buildings.
 - c. No outdoor storage shall be permitted, except:
 - (1) Trash containers. Trash containers exceeding six (6) cubic feet shall:
 - i. be completely screened on at least three (3) sides within a solid-walled or fenced stall not less than six (6) feet in height. The open side of the stall, if applicable, shall not face any Protected District, nor shall it be viewed from any street frontage; and,
 - ii. be located behind the established front building line; and,
 - iii. not be located within a required yard or a required transitional yard.
 - (2) Recycling containers. Recycling containers shall be subject to the requirements of Section 2.13, D, (Requirements for Recycling Containers).

- d. No vending machines shall be permitted on the exterior of any building or structure on the premises. Vending machines may be located within a building.
- e. No outdoor display promoting products, merchandise or services retailed or offered by the use occupying the premises shall be permitted.
- f. No commercial establishment shall be permitted to use a drive-through service unit.
- g. Automated Teller Machines (ATM's) are permitted accessory uses in this District provided that the machine(s) shall serve pedestrian traffic only.
- h. Accessory uses or structures shall have a total gross floor area which does not exceed twenty-five percent (25%) of the total gross floor area of the primary uses or structures.

2. **REQUIRED MINIMUM STREET FRONTAGE**

Each lot or integrated center shall have at least fifty (50) feet of frontage on a street right-of-way (unless subject to Section 2.00, A, 6, Lot Frontage Exception), and shall gain access from said street frontage.

3. **REQUIRED MINIMUM FRONT YARDS, MINIMUM FRONT SETBACK**

The setback requirements of Section 2.13, A, shall be provided along all street right-of-way lines, unless subject to the Established Setback provisions of Section 2.00, A, 3, b or c.

4. **REQUIRED MINIMUM SIDE YARDS, MINIMUM SIDE SETBACK**

No side yard or side setback shall be required unless subject to the requirements for transitional yards of Section 2.035, B, 6 or 8.

5. **REQUIRED MINIMUM REAR YARD, MINIMUM REAR SETBACK**

No Rear yard or rear setback shall be required unless subject to the requirements for transitional yards of Section 2.035, B, 6 or 8.

6. **REQUIRED TRANSITIONAL YARDS, MINIMUM SETBACKS**

Minimum front, side and rear transitional yards and setbacks - Yards fronting upon or abutting a Protected District are subject to the requirements of Section 2.035, B, 7 or 8 in addition to the following requirements:

- a. Where a front yard abuts a street on the opposite side of which is a Protected District, a minimum required front transitional yard and setback of not less than twenty (20) feet in depth, measured from and paralleling the proposed right-of-way line of the street, shall be provided, unless subject to the regulations of Section 2.00, A, 3, b, or c, or Section 2.13, A. In the case where a proposed right-of-way line does not exist or the existing right-of-way is greater, the existing right-of-way line shall be used for the setback measurement.
- b. Where a side or rear lot line abuts a lot line in an adjacent Protected District, a required side or rear transitional yard and setback of not less than fifteen (15) feet in depth, measured from and paralleling the lot line, shall be provided along such side or rear lot line.

Exceptions:

- (1) Where a dedicated alley separates such side or rear lot line from the Protected District, said required side or rear transitional yard and setback shall be not less than ten (10) feet.
- (2) Where the ground area required for required transitional yards exceeds twenty percent (20%) of the lot area, the width of the side or rear transitional yards may be reduced by one-half ($1/2$), but to not less individually than six (6) foot planting areas, provided a six (6) foot opaque wooden fence or solid wall is erected.
- (3) The transitional yard requirements of Section 2.035, B, 6 shall not apply in those instances where commercial or industrial use, legally established by permanent variance or lawful nonconforming use, exists upon such adjoining property or abutting frontage property, although zoned as a Protected District.

7. **USE OF
REQUIRED
YARDS
AND REQUIRED
TRANSITIONAL
YARDS**
- All required yards and required transitional yards shall be landscaped with grass, and shrubbery, trees or hedge, or in combination with other suitable ground cover materials, subject to the requirements of Section 2.13, and shall remain as open space free from structures except where expressly permitted by this Ordinance including the following regulations:
- a. Required front yards:
 - (1) may include pedestrian walks, driveways, flag poles, fences, screening walls, and similar appurtenant structures; and,
 - (2) shall not include parking areas or interior access drives, unless subject to the provisions of Section 2.13, A.
 - b. Required front, side or rear transitional yards:
 - (1) may include pedestrian walks, driveways, interior access driveways, flag poles, fences, screening walls and similar appurtenant structures; and,
 - (2) shall not include parking areas or interior access drives, unless subject to the provisions of Section 2.13, A.
8. **MAXIMUM HEIGHT OF
BUILDINGS
AND STRUCTURES**
- Thirty-five (35) feet, subject to the exceptions noted in Section 2.00, A, 5.
- Provided, however:
- the height of signs and sign structures shall comply with the Sign Regulations of Marion County, Indiana, 71-AO-4, as amended.
9. **SIGNS**
- Signs and sign structures shall comply with the Sign Regulations of Marion County, Indiana, 71-AO-4, as amended.
10. **OFF-STREET
PARKING**
- Off-street parking facilities shall be provided in accordance with the off-street parking regulations of Section 2.10.
11. **OFF-STREET
LOADING**
- Off-street loading facilities shall be provided in accordance with the off-street loading regulations of Section 2.11.

(Section 2.035 C-3C District)

**12. DRIVE-THROUGH
OFF-STREET
STACKING SPACE
REGULATIONS**

Drive-through facilities shall be prohibited.

**13. ADDITIONAL
DEVELOPMENT
REQUIREMENTS**

Site and landscape plans, street requirements, recycling containers, temporary use structures or buildings, or screening, landscaping and grounds maintenance, shall be in accordance with Section 2.13.

SECTION 2.04 C-4 COMMUNITY-REGIONAL COMMERCIAL DISTRICT

STATEMENT OF PURPOSE:

The C-4 District is designed to provide for the development of major business groupings and regional-size shopping centers to serve a population ranging from a community of neighborhoods to a major segment of the total metropolitan area. These centers may feature a number of large traffic generators such as department stores, bowling alleys and theaters. Even the smallest of such freestanding uses in this District, as well as commercial centers, require excellent access from major thoroughfares. While these centers are usually characterized by indoor operations, certain permitted uses may have limited outdoor activities, as specified.

A. PERMITTED C-4 USES

Permitted uses in the C-4 District shall conform to the General Commercial District Regulations and Performance Standards of Section 2.00, and the C-4 District Development Standards of Section 2.04, B.

The following uses shall be permitted in the C-4 District:

1. **ANY USE PERMITTED IN THE C-1 OR C-3 DISTRICTS** (except Convalescent or Nursing Home, Day Care Center)
2. **ADULT ENTERTAINMENT BUSINESS** (as defined in Section 2.16 and subject to the provisions of Section 2.15)
3. **AUCTION ROOMS**
4. **AUTOMOBILE (CAR) WASH**, subject to the provisions of Section 2.04, B, 1, f.
5. **AUTOMOTIVE-RELATED USES**, including:

Air Conditioning Equipment, (Sale or Installation) Brake System Repair or Service Detailing/Trim Shop Supply Store (Tire, Battery, Parts or Accessories, New or Used Exhaust System (Muffler) Repair Shop	Repair Shop (Except Truck or Bus) Rust Proofing (Except Truck or Bus) Speed Shop Tire: Alignment Dealers Retreading or Repair Shop
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6. **BED AND BREAKFAST INN**
7. **BLUEPRINTING**

(Section 2.04 C-4 District)

8. BUSINESS AND PERSONAL SERVICES, including:

Medical Equipment Rental or Leasing	Recording Studio
Music Distribution System (Except Coin Operated)	Security System Services
	Typesetting
	Upholsterers
	Veterinarian

9. COMMERCIAL PARKING LOT OR STRUCTURE

10. DRINKING PLACES, (TAVERN, BAR, CABARET, NIGHT CLUB), subject to the provisions of Section 2.04, B, 1, d.

11. ENGRAVING SERVICE FOR IDENTIFICATION

12. FIRE STATION

13. FRATERNAL LODGE (NON-RESIDENTIAL)

14. HOTEL, MOTEL OR TOURIST COURT, including hotels operated by organizations for members only.

15. INDOOR COMMERCIAL OR RECREATIONAL AMUSEMENT ESTABLISHMENTS, including:

Amusement Arcade *	Miniature Golf
Ballroom	Shooting Gallery/Range
Bathhouse	Skating Rink, Ice or Roller
Bingo Establishment	(Including Instruction)
Bowling Alley	Slot Car Racetracks
Firing (Gun) Range	Tennis Court/Club, Membership
Gymnasium	Trampoline Center
Instruction in:	
Baseball	
Basketball	
Gymnastics	

* Special Exception Required (See Section 2.14 - Special Exception Provisions)

16. JOB PRINTING

17. MESSAGE PARLOR *

* Special Exception Required (See also Section 2.15 - Adult Entertainment Business, if applicable)

18. PARKING LOT (AS PRIMARY USE)

19. PLASMA (BLOOD) CENTER

20. POST OFFICE

21. **REPAIR SERVICES**, including:

Air Conditioning Service or
Repair, Window Units Only
Antique Repair or Restoration,
Furniture Reupholstery or
Refinishing

Laboratory Instrument Repair
Lawn Mower Repair Shop
Leather Goods Repair Shop
Luggage Repair Shop
Sewing Machine Repair Shop
Surgical Instrument Repair

22. **RETAIL-TYPE USES**, including:

Air Conditioner Sales,
(Window Type Only)
Appliance Store, (Major
Household)
Firearms/Gun Sales
Fireworks Sales
Flea Market (Indoor)
Garden Shop/Nursery, Retail
Gymnasium Equipment Sales
Hot Tub Sales

Lawn and Garden Supply Store
Lumber and other Building
Materials, (including
Home Improvement Center)
Orthopedic and Artificial
Limb Store
Playground Equipment
Plumbing Sales and Service,
(excluding Contractor)
Swimming Pool Sales

23. **ROOMING AND BOARDING HOUSES**

24. **TEMPORARY SEASONAL RETAIL SALES USES**, Subject to the provisions
of Section 2.13, F.

25. **THEATRE**, including:

Dinner theatre
Legitimate
Motion Picture (Except Drive-In)

26. **OTHER USES SIMILAR AND COMPARABLE IN CHARACTER TO THE ABOVE
PERMITTED USES.**

27. **ACCESSORY USES AND STRUCTURES**, subordinate, appropriate and inci-
dental to the above permitted uses, including supportive services
directly related to and located in the same building with the pri-
mary use, shall be subject to the requirements of Section 2.04, B,
1, g.

28. **TEMPORARY STRUCTURES**, including fences, walls, buildings, barri-
cades and similar temporary structures incidental and accessory to
the development of land during construction shall be subject to
the requirements of Section 2.13, E.

B. C-4 DEVELOPMENT STANDARDS

1. USE

- a. All uses and operations shall be conducted completely within enclosed buildings except:
 - (1) off-street parking and off-street loading; and,
 - (2) drive-through customer service windows, subject to the requirements of Section 2.12, Drive-through Stacking Space Regulations; and,
 - (3) outdoor display or sale of merchandise is permitted, provided such display shall:
 - i. be accessory to the primary use; and,
 - ii. have a total square footage not exceeding one percent (1%) of the total gross square footage of the establishment. However, each establishment, regardless of size, shall be permitted a minimum of two hundred (200) square feet for outdoor display; and,
 - iii. be located immediately adjacent to the primary structure, but not within any required yard or required transitional yard; and,
 - iv. not utilize any required off-street parking space or area; and,
 - v. be screened in accordance with Section 2.13, G (Landscaping, Screening, and Grounds Maintenance); and,
 - vi. be maintained in an orderly manner.
- b. No outdoor storage shall be permitted, except:
 - (1) Trash containers. Trash container(s) exceeding six (6) cubic feet shall:

- i. be completely screened on at least three (3) sides within a solid-walled or fenced stall not less than six (6) feet in height. The open side of the stall, if applicable, shall not face any Protected District, nor shall it be viewed from any street frontage; and,
 - ii. be located behind the established front building line; and,
 - iii. not be located within a required yard or required transitional yard.
- (2) Recycling Containers. Recycling containers shall be subject to the requirements of Section 2.13, D, (Requirements for Recycling Containers).
- c. Vending machines shall be permitted provided the machine(s) shall:
 - (1) be located within a building; or,
 - (2) be located on the exterior of a building abutting its exterior wall; and,
 - (3) not be located within a required yard or required transitional yard; and,
 - (4) not be used in the calculation of the square footage of minor displays of merchandise placed outdoors as noted in Section 2.04, B, 1, a, (3).
- d. Taverns, package liquor stores, fast food or drive-through restaurants, night club establishments, and such establishments where food or alcoholic beverages may be carried out or may likely be consumed on the premises shall:
 - (1) provide adequate outdoor convenience trash containers; and,
 - (2) erect and maintain a decorative fence or wall along the perimeter of any outdoor seating area; and,

- (3) not be located within one hundred (100) feet, measured in any direction, of a Protected District. The measurement shall be taken from the exterior of the building (or the tenant bay of the establishment if the use is in an integrated center), to the zoning boundary of the Protected District except when such establishment is separated from said Protected District by an intervening street (see Section 2.16, Diagram J).

e. Gasoline service stations, convenience markets, service centers or functions, services, operation and sales shall not include the following:

- (1) any outdoor operations (other than the dispensing or installation of gasoline, oil, antifreeze and other similar products and the performance of minor services for customers as related to said dispensing or installation);
- (2) the sale, rental, display or storage of vehicles, trailers, tractors, machinery or other similar equipment;
- (3) commercial parking of vehicles;
- (4) major servicing or motor or body repair such as, but not limited to, body or fender work, motor overhaul, major transmission repair, auto glass work, tire recapping; or,
- (5) dismantling or wrecking of any vehicle, or the storage of inoperable, damaged or wrecked vehicles, other than those awaiting immediate repair.

The exterior display, sales or storage of antifreeze, batteries, tires, oil, and other merchandise or products is permitted, provided, however, that the provisions of Section 2.04, B, 1, a, (3) are maintained.

f. Car wash establishments shall:

- (1) be subject to the drive-through off-street stacking space regulations of Section 2.12; and,

- (2) not conduct any drying, cleaning, polishing, dispensing of gasoline, or other comparable operation within any required yard or required transitional yard; and,
- (3) not be located within one hundred (100) feet, measured in any direction, of a Protected District. The measurement shall be taken from the exterior of the building (or the tenant bay of the establishment if the use is in an integrated center), to the zoning boundary of the Protected District except when such establishment is separated from said Protected District by an intervening street (see Section 2.16, Diagram J); and,
- (4) have exit drives that are a minimum of one hundred (100) feet in length, measured from the vehicle exit of the car wash establishment to the pavement edge of the street.
- (5) The surface and drainage treatment at the exit drive shall be designed so that no water accumulates on the surface or onto the public right-of-way as a result of the car wash operations.

g. Accessory uses or structures shall have a total gross floor area which does not exceed twenty-five percent (25%) of the total gross floor area of the primary structures or uses.

2. REQUIRED MINIMUM STREET FRONTAGE

Each lot or integrated center shall have at least fifty (50) feet of frontage on a street right-of-way (unless subject to Section 2.00, A, 6, Lot Frontage Exception), and shall gain access from said street frontage.

3. REQUIRED MINIMUM FRONT YARDS, MINIMUM FRONT SETBACK

The setback requirements of Section 2.13, A, shall be provided along all street right-of-way lines, unless subject to the Established Setback provisions of Section 2.00, A, 3, b or c.

4. REQUIRED MINIMUM SIDE YARDS, MINIMUM SIDE SETBACK

No side yard or side setback shall be required unless subject to the requirements for transitional yards of Section 2.04, B, 6 or 8.

5. REQUIRED MINIMUM REAR YARD, MINIMUM REAR SETBACK

No rear yard or rear setback shall be required unless subject to the requirements for transitional yards of Section 2.04, B, 6 or 8.

6. **REQUIRED
TRANSITIONAL
YARDS,
MINIMUM
SETBACKS**

Minimum front, side and rear transitional yards and setbacks - Yards fronting upon or abutting a Protected District are subject to the requirements of Section 2.04, B, 7 or 8 in addition to the following requirements:

- a. Where a front yard abuts a street on the opposite side of which is a Protected District, a minimum required front transitional yard and setback of not less than twenty (20) feet in depth, measured from and paralleling the proposed right-of-way line of the street, shall be provided unless subject to the regulations of Section 2.00, A, 3, b, or c, or Section 2.13, A. In the case where a proposed right-of-way does not exist or the existing right-of-way is greater, the existing right-of-way line shall be used for the setback measurement.
- b. Where a side or rear lot line abuts a lot line in an adjacent Protected District, a required side or rear transitional yard and setback of not less than twenty (20) feet in depth, measured from and paralleling the lot line, shall be provided along such side or rear lot line.

Exceptions:

- (1) Where a dedicated alley separates such side or rear lot line from the Protected District, said required side or rear transitional yard and setback shall be not less than ten (10) feet.
- (2) Where the ground area required for required transitional yards exceeds twenty percent (20%) of the lot area, the width of the side or rear transitional yards may be reduced by one-half (1/2), but to not less individually than six (6) foot planting areas, provided a six (6) foot opaque wooden fence or solid wall is erected.
- (3) The transitional yard requirements of Section 2.04, B, 6 shall not apply in those instances where commercial or industrial use, legally established by permanent variance or lawful nonconforming use, exists upon such adjoining property or abutting frontage property, although zoned as a Protected District.

7. **USE OF
REQUIRED
YARDS
AND REQUIRED
TRANSITIONAL
YARDS**

All required yards and required transitional yards shall be landscaped with grass and shrubbery, trees, or hedge, or in combination with other suitable ground cover materials, subject to the requirements of Section 2.13, G, and shall remain as open space free from structures except where expressly permitted by this Ordinance including the following regulations:

a. Required front yards:

- (1) may include pedestrian walks, driveways, flag poles, fences, screening walls and similar appurtenant structures; and,
- (2) shall not include parking areas and interior access drives, unless subject to the provisions of Section 2.13, A.

b. Required front, side and rear transitional yards:

- (1) may include pedestrian walks, driveways, interior access driveways, flag poles, fences, screening walls and similar appurtenant structures; and.
- (2) shall not include parking areas, interior access drives or outdoor display or storage areas, unless subject to the provisions of Section 2.13, A.

8. **MAXIMUM HEIGHT OF
BUILDINGS AND
STRUCTURES**

Sixty-five (65) feet, subject to the exceptions noted in Section 2.00, A, 5.

Provided, however:

- a. along any required front, side or rear transitional yard, as specified in Section 2.04, B, 6, the minimum required setback for that portion of the building exceeding eighteen (18) feet shall be increased by one (1) foot for each additional one (1) foot, or part thereof, of building or structural height above eighteen (18) feet (see Section 2.16, Diagram I).
- b. the height of signs and sign structures shall comply with the Sign Regulations of Marion County, Indiana, 71-AO-4, as amended.

9. SIGNS

Signs and sign structures shall comply with the Sign Regulations of Marion County, Indiana, 71-AO-4, as amended. Additional regulations specific to adult entertainment businesses are found in Section 2.15.

10. OFF-STREET PARKING

Off-street parking facilities shall be provided in accordance with the off-street parking regulations of Section 2.10.

11. OFF-STREET LOADING

Off-street loading facilities shall be provided in accordance with the off-street loading regulations of Section 2.11.

12. DRIVE-THROUGH OFF-STREET STACKING SPACE

Off-street stacking spaces shall be provided in accordance with the drive-through or drive-in stacking space regulations of Section 2.12.

13. ADDITIONAL DEVELOPMENT REQUIREMENTS

Site and landscape plans, street requirements, recycling containers, temporary use structures or buildings, temporary seasonal retail sales uses, or screening, landscaping and grounds maintenance, shall be in accordance with Section 2.13.

14. SPECIAL REGULATIONS - ADULT ENTERTAINMENT BUSINESS

In addition to the requirements of this Section, adult entertainment businesses shall be in accordance with Section 2.15, Special Regulations - Adult Entertainment Business.

SECTION 2.05 C-5 GENERAL COMMERCIAL DISTRICT

STATEMENT OF PURPOSE:

The C-5 District is designed to provide areas for those retail sales and service functions whose operations are typically characterized by outdoor display, or sales of merchandise; by major repair of motor vehicles; by outdoor commercial amusement and recreational activities; or by activities or operations conducted in buildings or structures not completely enclosed. The types of uses found in this District tend to be outdoor functions, brightly lighted, noisy, etc. Therefore, to provide a location where such uses can operate in harmony with the vicinity, they should be grouped on heavy commercial thoroughfares and should avoid locating adjacent to Protected Districts.

A. PERMITTED C-5 USES

Permitted uses in the C-5 District shall conform to the General Commercial District Regulations and Performance Standards of Section 2.00, and the C-5 District Development Standards of Section 2.05, B.

The following uses shall be permitted in the C-5 District:

1. **ANY USE PERMITTED IN THE C-1, C-3, OR C-4 DISTRICTS** (except Convalescent or Nursing Home, Day Care Center)

2. **AUTOMOTIVE-RELATED USES, including:**

Automobile:

Dealers
Leasing, Passenger
Rental, Passenger
Body Repair/Paint Shop

Glass Replacement Shop,

Motorcycle:

Dealers
Rental
Repair Shop
Paint Shop

Recovery Service

Repossession Service

Tractor:

Dealers

Repair or Service

Transmission Repair Shop

Truck or Bus:

Dealers, one-half ton load
capacity or less, (in-
cluding servicing)

3. **BUSINESS AND PERSONAL SERVICES, including:**

Bottle Exchanges

Equipment Rental or Leasing:

Light

Tool

Repossession Service, Other
Than Automotive

4. **CATERER**

(Section 2.05 C-5 District)

5. **COMMERCIAL OR RECREATIONAL AMUSEMENT ESTABLISHMENTS:**, including:

Boat or Canoe Rental
Fishing Lake Operation,
Commercial or Private
Gocart Raceways,
(including rental)

Golf Uses, including:
Cart Rental
Driving Range
Miniature
Pitch-n-Putt
Railroads, Scenic
Sports, Professional or
Semi-Professional

6. **COMMISSARY RESTAURANT**

7. **NEWSPAPER PUBLISHING AND PRINTING**

8. **REPAIR SERVICES**, including:

Antennas, Household
(installation and service)
Gas Appliance

9. **RETAIL-TYPE USES**, including:

Flea Market (Outdoor)

Gravestones or Monuments,
Finished

10. **THEATRE, DRIVE-IN**

11. **OTHER USES SIMILAR AND COMPARABLE IN CHARACTER TO THE ABOVE PERMITTED USES**

12. **ACCESSORY USES AND STRUCTURES**, subordinate, appropriate and incidental to the above permitted uses, including supportive services directly related to and located in the same building with the primary use, shall be subject to the requirements of Section 2.05, B, 1, g.

13. **TEMPORARY STRUCTURES**, including fences, walls, buildings, barricades and similar temporary structures incidental and necessary to the development of land during construction shall be subject to the requirements of Section 2.13, E.

B. **C-5 DEVELOPMENT STANDARDS**

1. **USE**

a. No outside storage shall be permitted, except:

- (1) the temporary and accessory storage of vehicles awaiting repair, provided such storage be located behind the established front building line.
 - (2) Trash containers. Trash containers exceeding six (6) cubic feet shall:
 - i. be completely screened on at least three (3) sides within a solid-walled or fenced stall not less than six (6) feet in height. The open side of the stall, if applicable, shall not face any Protected District, nor shall it be viewed from any street frontage; and,
 - ii. be located behind the established front building line; and,
 - iii. not be located within a required yard or required transitional yard.
 - (3) Recycling containers. Recycling containers shall be subject to the requirements of Section 2.13, D, (Requirements for Recycling Containers).
- b. The outdoor display of goods or materials for sale, lease or rental may be conducted, provided that display areas shall:
- (1) not be located in any required yards, required transitional yards, off-street parking areas or off-street loading areas;
 - (2) be of concrete, asphaltic pavement, brick, flagstone or comparable material maintained in good condition;
 - (3) be maintained in an orderly manner;
 - (4) be provided with bumper or wheel guards along the perimeter of any vehicular display area; and,

- (5) not be located in any way which conflicts or interferes with walks, parking areas, loading areas, driveways, interior access driveways, interior access drives, or landscaped required yards.
- c. Vending machines shall be permitted provided the machine(s) shall:
 - (1) be located within a building; or,
 - (2) be located on the exterior of a building abutting its exterior wall; and,
 - (3) not be located within a required yard or required transitional yard.
- d. Taverns, package liquor stores, fast food or drive-through restaurants, night club establishments, and such establishments where food or alcoholic beverages may be carried out or may likely be consumed on the premises shall:
 - (1) provide adequate outdoor convenience trash containers; and,
 - (2) erect and maintain a decorative fence or wall along the perimeter of any outdoor seating area; and,
 - (3) not be located within one hundred (100) feet, measured in any direction, of a Protected District. The measurement shall be taken from the exterior of the building (or the tenant bay of the establishment if the use is in an integrated center), to the zoning boundary of the Protected District except when such establishment is separated from said Protected District by an intervening street (see Section 2.16, Diagram J).
- e. Gasoline service stations, convenience markets, service centers or functions, shall be subject to the following regulations:
 - (1) Gasoline service stations, convenience markets, service centers or functions, service operation and sales shall not include the following:

- i. any outdoor operations (other than the dispensing or installation of gasoline, oil, antifreeze and other similar products and the performance of minor services for customers as related to said dispensing or installation); and,
 - ii. commercial parking of motor vehicles;
- (2) The exterior display, sale or storage of antifreeze, batteries, tires, oil, and other merchandise or products is permitted, provided, however, that the provisions of Section 2.05, B, 1, b are maintained.
- (3) Any display, sale or rental of motor vehicles or trailers conducted in association with a service station shall be located in a specific area, not located in or in any way conflicting or interfering with pedestrian walks, off-street parking areas, driveways, required yards, required transitional yards, or public rights-of-way.
- (4) There shall be no exterior displays which restrict traffic visibility in any way or which impede the movement of any vehicles on the service station or center driveways or public rights-of-way, or located in or in any way conflicting or interfering with walks, off-street parking areas or required landscaped yards. All exterior displays shall be maintained in an orderly manner.
- (5) Any major servicing or motor or body repair work shall be conducted within an enclosed structure, and shall not include:
- i. The dismantling or wrecking of any motor or other vehicles, or
 - ii. The storage of inoperable, damaged or wrecked vehicles, other than those awaiting immediate repair.

f. Car wash establishments shall:

- (1) be subject to the requirements of Section 2.12, Drive-through Off-street Stacking Space Regulations; and,
- (2) not conduct any drying, cleaning, polishing, dispensing of gasoline or other comparable operation within any required yard or required transitional yard; and,
- (3) not be located within one hundred (100) feet, measured in any direction, of a Protected District. The measurement shall be taken from the exterior of the building (or the tenant bay of the establishment if the use is in an integrated center), to the zoning boundary of the Protected District except when such establishment is separated from said Protected District by an intervening street (see Section 2.16, Diagram J); and,
- (4) have exit drives that are a minimum of one hundred (100) feet in length, measured from the vehicle exit of the car wash establishment to the pavement edge of the street.
- (5) The surface and drainage treatment at the exit drive shall be designed so that no water accumulates on the surface or onto the public right-of-way as a result of the car wash operations.

g. Accessory uses or structures shall have a total gross floor area which does not exceed twenty-five percent (25%) of the total gross floor area of the primary structures or uses.

h. Any lighting used to illuminate an outdoor display area, outdoor storage area or an outdoor area where any service or activity is conducted shall comply with the requirements of Section 2.10, H. Further, it shall be prohibited to:

- (1) light an area by the use of stringers of unshielded incandescent lamps in which the entire lamp envelope is designed to function as a light emitter; and

- (2) make use of attention attracting lighting from any apparatus of any type similar to that used by emergency vehicles.

2. **REQUIRED MINIMUM STREET FRONTAGE** Each lot or integrated center shall have at least fifty (50) feet of frontage on a street right-of-way (unless subject to Section 2.00, A, 6, Lot Frontage Exception), and shall gain access from said street frontage.
3. **REQUIRED MINIMUM FRONT YARDS, MINIMUM FRONT SETBACK** The setback requirements of Section 2.13, A, shall be provided along all street right-of-way lines, unless subject to the Established Setback provisions of Section 2.00, A, 3, b or c.
4. **REQUIRED MINIMUM SIDE YARDS, MINIMUM SIDE SETBACK** No side yard or side setback shall be required unless subject to the requirements for transitional yards of Section 2.05, B, 6 or 8.
5. **REQUIRED MINIMUM REAR YARD, MINIMUM REAR SETBACK** No rear yard or rear setback shall be required unless subject to the requirements for transitional yards of Section 2.05, B, 6 or 8.
6. **REQUIRED TRANSITIONAL YARDS, MINIMUM SETBACKS**

Minimum front, side and rear transitional yards and setbacks - Yards fronting upon or abutting a Protected District are subject to the requirements of Section 2.05, B, 7 or 8 in addition to the following requirements:

 - a. Where a front yard abuts a street on the opposite side of which is a Protected District, a minimum required front transitional yard and setback of not less than twenty (20) feet in depth, measured from and paralleling the proposed right-of-way line of the street, shall be provided unless subject to the regulations of Section 2.00, A, 3, b, or c, or Section 2.13, A. In the case where a proposed right-of-way line does not exist or where the existing right-of-way is greater, the existing right-of-way line shall be used for the setback measurement.
 - b. Where a side or rear lot line abuts a lot line in an adjacent Protected District, a required side or rear transitional yard and setback of not less than twenty (20) feet in depth, measured from and paralleling the lot line, shall be provided along such side or rear lot line.

Exceptions:

- (1) Where a dedicated alley separates such side or rear lot line from the Protected District, said required side or rear transitional yard and setback shall be not less than ten (10) feet.
- (2) Where the ground area required for required transitional yards exceeds twenty percent (20%) of the lot area, the width of the side or rear transitional yards may be reduced by one-half (1/2), but to not less individually than six (6) foot planting areas, provided a six (6) foot opaque wooden fence or solid wall is erected.
- (3) The transitional yard requirements of Section 2.05, B, 6 shall not apply in those instances where commercial or industrial use, legally established by permanent variance or lawful nonconforming use, exists upon such property or abutting frontage property, although zoned as a Protected District.

**7. USE OF
REQUIRED
YARDS
AND REQUIRED
TRANSITIONAL
YARDS**

All required yards and required transitional yards shall be landscaped with grass and shrubbery, trees, or hedge, or in combination with other suitable ground cover materials, subject to the requirements of Section 2.13, G, and shall remain as open space free from structures except where expressly permitted by this Ordinance.

a. Required front yards:

- (1) may include pedestrian walks, driveways, flag poles, fences, screening walls and similar appurtenant structures; and,
- (2) shall not include parking areas or interior access drives, unless subject to the provisions of Section 2.13, A.

b. Required front, side and rear transitional yards:

- (1) may include pedestrian walks, driveways, interior access driveways, flag poles, fences, screening walls and similar appurtenant structures; and,

- (2) shall not include parking areas, interior access drives or outdoor display or storage areas, unless subject to the provisions of Section 2.13, A.

8. MAXIMUM HEIGHT OF BUILDINGS AND STRUCTURES

Sixty-five (65) feet, subject to the exceptions noted in Section 2.00, A, 5.

Provided, however:

- a. along any required front, side or rear transitional yard, as specified in Section 2.05, B, 6, the minimum required setback for that portion of the building exceeding eighteen (18) feet shall be increased by one (1) foot for each additional one (1) foot, or part thereof, of building or structural height above eighteen (18) feet (see Section 2.16, Diagram I).
- b. the height of signs and sign structures shall comply with the Sign Regulations of Marion County, Indiana, 71-AO-4, as amended.

9. SIGNS

Signs and sign structures shall comply with the Sign Regulations of Marion County, Indiana, 71-AO-4, as amended. Additional regulations specific to adult entertainment businesses are found in Section 2.15.

10. OFF-STREET PARKING

Off-street parking facilities shall be provided in accordance with the off-street parking regulations of Section 2.10.

11. OFF-STREET LOADING

Off-street loading facilities shall be provided in accordance with the off-street loading regulations of Section 2.11.

12. DRIVE-THROUGH OFF-STREET STACKING SPACE REGULATIONS

Off-street stacking spaces shall be provided in accordance with the drive-through or drive-in stacking space regulations of Section 2.12.

13. ADDITIONAL DEVELOPMENT REQUIREMENTS

Site and landscape plans, street requirements, recycling containers, temporary use structures or buildings, temporary seasonal retail sales uses, or screening, landscaping and grounds maintenance, shall be in accordance with Section 2.13.

14. SPECIAL REGULATIONS - ADULT ENTERTAINMENT BUSINESS

In addition to the requirements of this Section, adult entertainment businesses shall be in accordance with Section 2.15. Special Regulations - Adult Entertainment Business.

SECTION 2.06 C-6 THOROUGHFARE SERVICE COMMERCIAL DISTRICT

STATEMENT OF PURPOSE:

The C-6 District is designed to permit development of limited service uses relating to freeway, expressway or other thoroughfare interchanges and other controlled access locations along major arterial thoroughfares. This District is appropriate for locations where more concentrated types of commercial uses would be incompatible with the other uses in the vicinity. In this District, food, lodging and certain automotive services can be conveniently available to the thoroughfare user without creating the traffic congestion and hazards commonly associated with interchanges or intersections where large commercial districts have developed. The limited availability of locations and limited uses permitted in this District provide for maximum compatibility with adjacent Districts.

A. PERMITTED C-6 USES

Permitted uses in the C-6 District shall conform to the General Commercial District Regulations and Performance Standards of Section 2.00, and the C-6 District Development Standards of Section 2.06, B.

The following uses shall be permitted in the C-6 District:

1. **ADULT ENTERTAINMENT BUSINESS** (as defined in Section 2.16 and subject to the provisions of Section 2.15)
2. **AUTOMOBILE LEASING OR RENTING, PASSENGER**
3. **AUTOMOBILE (CAR) WASH**, subject to the provisions of Section 2.06, B, 1, d.
4. **BED AND BREAKFAST INN**
5. **CONVENIENCE MARKET**, subject to the provisions of Section 2.06, B, 1, c.
6. **DINNER THEATRE**
7. **DRINKING PLACES, (TAVERN, BAR, CABARET, NIGHT CLUB)**, subject to the provisions of Section 2.06, B, 1, b.
8. **EATING PLACES, (ANY TYPE OF RESTAURANT)**, subject to the provisions of Section 2.06, B, 1, b.
9. **GASOLINE SERVICE STATIONS** (except truck stops), subject to the provisions of Section 2.06, B, 1, c.
10. **HOTEL, MOTEL, TOURIST COURT, INCLUDING SUCH USES OPERATED BY ORGANIZATIONS FOR MEMBERS ONLY**

11. OUTDOOR ADVERTISING SIGNS, subject to the Sign Regulations of Marion County, Indiana, 71-AO-4, as amended.
12. PARKING, AUTOMOBILE (as primary use)
13. ROOMING AND BOARDING HOUSE
14. ACCESSORY USES AND STRUCTURES, subordinate, appropriate and incidental to the above permitted uses, including supportive services directly related to and located in the same building with the primary use, shall be subject to the requirements of Section 2.06, B, 1, f.
15. TEMPORARY STRUCTURES, including fences, walls, buildings, barricades and similar temporary structures incidental and necessary to the development of land during construction shall be subject to the requirements of Section 2.13, E.

B. C-6 DEVELOPMENT STANDARDS

1. USE
 - a. All uses and operations shall be conducted within completely enclosed buildings, except:
 - (1) off-street parking and off-street loading; and,
 - (2) drive-through customer service windows, subject to the regulations of Section 2.12; and,
 - (3) minor displays of merchandise may be placed outdoors provided such displays are:
 - i. accessory to the primary use; and,
 - ii. located immediately adjacent to the primary structure, but not within a required yard; and,
 - iii. not more than two hundred (200) square feet in total area; and,
 - iv. maintained in an orderly manner; and,
 - v. not illuminated; and,

(Section 2.06 C-6 District)

- (4) trash containers shall be permitted, provided the container(s) exceeding six (6) cubic feet shall:
 - i. be completely screened on at least three (3) sides within a solid-walled or fenced stall not less than six (6) feet in height. The open side of the stall, if applicable, shall not face any Protected District, nor shall it be viewed from any street frontage; and,
 - ii. be located behind the established front building line; and,
 - iii. not be located within a required yard or required transitional yard; and,
- (5) recycling containers shall be permitted, subject to the requirements of Section 2.13, D, (Requirements for Recycling Containers); and,
- (6) vending machines shall be permitted, provided the machine(s) shall:
 - i. be located within a building; or,
 - ii. be located on the exterior of a building abutting its exterior wall; and,
 - iii. not be located within a required yard or required transitional yard; and,
 - iv. not be used in the calculation of the square footage of minor displays of merchandise placed outdoors as noted in Section 2.06, B, 1, a, (3),
 - iii.
- b. Fast food or drive-through restaurants, night club establishments and such establishments where food or alcoholic beverages may be carried out or may likely be consumed on the premises shall:
 - (1) provide adequate outdoor convenience trash containers; and,

- (2) erect and maintain a decorative fence or wall along the perimeter of any outdoor seating area; and,
 - (3) not be located within one hundred (100) feet, measured in any direction, of a Protected District. The measurement shall be taken from the exterior of the building (or the tenant bay of the establishment if the use is in an integrated center), to the zoning boundary of the Protected District except when such establishment is separated from said Protected District by an intervening street (see Section 2.16, Diagram J).
- c. Gasoline service station, convenience market, service center or functions, services, operation and sales shall not include the following:
- (1) any outdoor operations (other than the dispensing or installation of gasoline, oil, antifreeze and other similar products and the performance of minor services for customers as related to said dispensing or installation); and,
 - (2) the sale, rental, display or storage of vehicles, trailers, tractors, machinery or other similar equipment; and,
 - (3) commercial parking of vehicles; and,
 - (4) major servicing of motor or body repair such as, but not limited to, body or fender work, motor overhaul, major transmission repair, auto glass work, tire recapping, muffler repair or installation, auto body painting or trim shops; and,
 - (5) dismantling or wrecking of any vehicle, or the storage of inoperable, damaged or wrecked vehicles, other than those awaiting immediate repair.

The exterior display, sales or storage of antifreeze, batteries, tires, oil, and other merchandise or products is permitted, provided, however, that the provisions of Section 2.06, B, 1, a, (3) are maintained.

(Section 2.06 C-6 District)

d. Car wash establishments shall:

- (1) be subject to the drive-through off-street stacking space regulations of Section 2.12; and,
- (2) not conduct any drying, cleaning, polishing, dispensing of gasoline, or other comparable operation within any required yard or required transitional yard; and,
- (3) not be located within one hundred (100) feet, measured in any direction, of any Protected District. The measurement shall be taken from the exterior of the building (or the tenant bay of the establishment if the use is in an integrated center), to the zoning boundary of the Protected District except when such establishment is separated from said Protected District by an intervening street (see Section 2.16, Diagram J); and,
- (4) have exit drives that are a minimum of one hundred (100) feet in length, measured from the vehicle exit of the car wash establishment to the pavement edge of the street.
- (5) The surface and drainage treatment at the exit drive shall be designed so that no water accumulates on the surface or onto the public right-of-way as a result of the car wash operations.

e. Any lighting used to illuminate an outdoor area where any service or activity is conducted shall comply with the requirements of Section 2.10, H. Further, it shall be prohibited to:

- (1) light an area by the use of stringers or unshielded incandescent lamps in which the entire lamp envelope is designed to function as a light emitter; and
- (2) make use of attention attracting lighting from any apparatus of any type similar to that used by emergency vehicles.

f. Accessory uses or structures shall:

have a total gross floor area which does not exceed ten percent (10%) of the total gross floor area of the primary structures or uses and

2. **REQUIRED MINIMUM STREET FRONTAGE** Each lot or integrated center shall have at least fifty (50) feet of frontage on a street right-of-way (unless subject to Section 2.00, A, 6, Lot Frontage Exception), and shall gain access from said street frontage.
3. **REQUIRED MINIMUM FRONT YARDS, MINIMUM FRONT SETBACK** The setback requirements of Section 2.13, A, shall be provided along all street right-of-way lines, unless subject to the Established Setback provisions of Section 2.00, A, 3, b or c.
4. **REQUIRED MINIMUM SIDE YARDS, MINIMUM SIDE SETBACK** No side yard or side setback shall be required unless subject to the requirements for transitional yards of Section 2.06, B, 6 or 8.
5. **REQUIRED MINIMUM REAR YARD, MINIMUM REAR SETBACK** No rear yard or rear setback shall be required unless subject to the requirements for transitional yards of Section 2.06, B, 6 or 8.
6. **REQUIRED TRANSITIONAL YARDS, MINIMUM SETBACKS** Minimum front, side and rear transitional yards and setbacks - Yards fronting upon or abutting a Protected District are subject to the requirements of Section 2.06, B, 7 or 8 in addition to the following requirements:
 - a. Where a front yard abuts a street on the opposite side of which is a Protected District, a minimum required front transitional yard and setback of not less than twenty (20) feet in depth, measured from and paralleling the proposed right-of-way line of the street shall be provided unless subject to the regulations of Section 2.00, A, 3, b, or c, or Section 2.13, A. In the case where a proposed right-of-way line does not exist or where the existing right-of-way is greater, the existing right-of-way line shall be used for the setback measurement.
 - b. Where a side or rear lot line abuts a lot line in an adjacent Protected District, a required side or rear transitional yard and setback of not less than twenty (20) feet in depth, measured from and paralleling the lot line, shall be provided along such side or rear lot line.

Exceptions:

- (1) Where a dedicated alley separates such side or rear lot line from the Protected District, said required side or rear transitional yard and setback shall be not less than ten (10) feet.
- (2) Where the ground area required for required transitional yards exceeds twenty percent (20%) of the lot area, the width of the side or rear transitional yards may be reduced by one-half ($1/2$), but to not less individually than six (6) foot planting areas, provided a six (6) foot opaque wooden fence or solid wall is erected.
- (3) The transitional yard requirements of Section 2.06, B, 6 shall not apply in those instances where commercial or industrial use, legally established by permanent variance or lawful nonconforming use, exists upon such adjoining property or abutting frontage property, although zoned as a Protected District.

7. **USE OF
REQUIRED
YARDS AND
REQUIRED
TRANSITIONAL
YARDS**

All required yards and required transitional yards shall be landscaped with grass and shrubbery, trees, or hedge, or in combination with other suitable ground cover materials, subject to the requirements of Section 2.13, G, and shall remain as open space free from structures except where expressly permitted by this Ordinance.

a. Required front yards:

- (1) may include pedestrian walks, driveways, flag poles, fences, screening walls and similar appurtenant structures; and,
- (2) shall not include parking areas or interior access drives, unless subject to the provisions of Section 2.13, A.

b. Required front, side and rear transitional yards:

- (1) may include pedestrian walks, driveways, interior access driveways, flag poles, fences, screening walls and similar appurtenant structures; and,

- (2) shall not include parking areas, interior access drives or outdoor display or storage areas, unless subject to the provisions of Section 2.13, A.

8. MAXIMUM HEIGHT OF BUILDINGS AND STRUCTURES

Sixty-five (65) feet, subject to the exceptions noted in Section 2.00, A, 5.

Provided, however:

- a. along any required front, side or rear transitional yard, as specified in Section 2.06, B, 6, the minimum required setback for that portion of the building exceeding eighteen (18) feet shall be increased by one (1) foot for each additional one (1) foot, or part thereof, of building or structural height above eighteen (18) feet, (see Section 2.16, Diagram I).
- b. the height of signs and sign structures shall comply with the Sign Regulations of Marion County, Indiana, 71-AO-4, as amended.

9. SIGNS

Signs and sign structures shall comply with the Sign Regulations of Marion County, Indiana, 71-AO-4, as amended. Additional regulations specific to adult entertainment businesses are found in Section 2.15.

10. OFF-STREET PARKING

Off-street parking facilities shall be provided in accordance with the off-street parking regulations of Section 2.10.

11. OFF-STREET LOADING

Off-street loading facilities shall be provided in accordance with the off-street loading regulations of Section 2.11.

12. DRIVE-THROUGH OFF-STREET STACKING SPACE REGULATIONS

Off-street stacking spaces shall be provided in accordance with the drive-through or drive-in stacking space regulations of Section 2.12.

13. ADDITIONAL DEVELOPMENT REQUIREMENTS

Site and landscape plans, street requirements, recycling containers, temporary use structures or buildings, temporary seasonal retail sales uses, or screening, landscaping and grounds maintenance, shall be in accordance with Section 2.13.

14. SPECIAL REGULATIONS - ADULT ENTERTAINMENT BUSINESS

In addition to the requirements of this Section, adult entertainment business shall be in accordance with Section 2.15, Special Regulations - Adult Entertainment Business.

SECTION 2.07 C-7 HIGH INTENSITY COMMERCIAL DISTRICT

STATEMENT OF PURPOSE:

The C-7 District is designed to provide specific areas for retail commercial uses which have unusually incompatible features relative to other commercial uses such as major outdoor storage or display of sizeable merchandise and the outdoor parking and storage of trucks, materials or equipment essential to the operation of these uses. Because of the character and intensity of these uses, this District should be appropriately located on major commercial arterial thoroughfares but not in close association with those commercial activities involving shopping goods, professional services, restaurants, food merchandising, and the like. Due to the intensity of uses, location of this District adjacent to Protected Districts should be avoided.

A. PERMITTED C-7 USES

Permitted uses in the C-7 District shall conform to the General Regulations and Performance Standards of Section 2.00 and the C-7 District Development Standards of Section 2.07, B.

The following uses shall be permitted in the C-7 District:

1. **ANY USE PERMITTED IN THE C-1, C-3, C-4, C-5 or C-6 DISTRICTS**
(except Convalescent or Nursing Home, Day Care Center)

2. **AUTOMOTIVE-RELATED USES, including:**

Automobile:

Boat Dealers
Farm Equipment
Recreational Vehicle
(including mobile home,
motor home and popup
camper):
Dealers
Rental
Repair Shop

Rust Proofing:

Truck, Bus or other Automotive
Trailer, Truck or Bus Rental
Truck or Bus:
Dealers, (of any load capacity)
Rental/leasing
Stops
Storage
Washes, Automobile, Bus
or Truck

3. **BUSINESS AND PERSONAL SERVICES, including:**

Auctioneering Services
Blueprinting
Detective or Armored Car
Service
Equipment Rental:
Heavy or Construction
Job Printing
Laundry, Cleaning and Garment
Services, including:
Carpet or Upholstery
Dry-Cleaning Plant,
Industrial Launderers
Linen Supply

Liquidators of Merchandise
Locker Rental
Meter Readers (Remote)
Mini-Warehouses
Rug Cleaning or Repair Service
Swimming Pool Cleaning or
Maintenance
Water Softener Service

4. **COMMERCIAL OR RECREATIONAL AMUSEMENT ESTABLISHMENTS**, including:
Slot Car Racetracks
5. **REPAIR SERVICES, ANY TYPE**
6. **RETAIL-TYPE USES**, including:
Farm Equipment Sales or Service Mobile Home Dealer
Firearm/Gun Sales Model Home, Garage, Outbuilding
Fireworks Sales Sales (including Barns, Sheds)
Glass Fabrication/Installation Swimming Pool Installation
Ice Dealers
7. **TEMPORARY SEASONAL RETAIL SALES USES**, Subject to the provisions of Section 2.13, F.
8. **OTHER USES SIMILAR AND COMPARABLE IN CHARACTER TO THE ABOVE PERMITTED USES**
9. **ACCESSORY USES AND STRUCTURES**, subordinate, appropriate and incidental to the above permitted primary uses, including supportive services directly related to and located in the same building with the primary use, shall be subject to the requirements of Section 2.07, B, 1, g.
10. **TEMPORARY STRUCTURES**, including fences, walls, buildings, barricades and similar temporary structures incidental and necessary to the development of land during construction shall be subject to the requirements of Section 2.13, E.

B. C-7 DEVELOPMENT STANDARDS

1. **USE**
 - a. Merchandise and products for sale; storage of materials, products, machinery and equipment; and operations incidental to the primary use may be located outdoors.

Provided, however, all outdoor storage and operations within five hundred (500) feet of a Protected District boundary shall be effectively screened by a solid fence or wall. The height of said fence or wall shall be at least six (6) feet and shall not exceed ten (10) feet. Said fence shall be surrounded by shrubbery or hedges as required by Section 2.13, G. The storage of materials or products within the enclosure shall not exceed the height of the fence.

- b. The outdoor display of boats, cemetery monuments, tombstones, mobile homes, recreational vehicles, trucks, and merchandise or products with similar and comparable characteristics offered for sale shall be permitted, provided:
- (1) any major repair and service shall be conducted within enclosed buildings; and,
 - (2) outdoor display of products for sale shall be located not less than twenty (20) feet from the proposed right-of-way line and shall not be located in any required yards, parking areas or loading areas; provided also that this twenty (20) foot wide strip of the required front yard, paralleling and measured from the right-of-way line, and extending the full length thereof (except for walks and driveways) shall be landscaped in grass, shrubbery, trees and a solid hedge, or in combination with other suitable ground cover materials, in accordance with Section 2.13, G; and,
 - (3) bumper or wheel guards shall be provided along the perimeter of any vehicular display area; and,
 - (4) display areas shall be of concrete, asphaltic pavement, brick, flagstone or comparable material and shall be maintained in good condition; and,
 - (5) outdoor displays shall be maintained in an orderly manner.
- c. Any lighting used to illuminate an outdoor display area or any outdoor area where any service or activity is conducted shall comply with the requirements of Section 2.10, H.

Further, it shall be prohibited to:

- (1) light an area by the use of stringers or unshielded incandescent lamps in which the entire lamp envelope is designed to function as a light emitter; and
- (2) make use of attention attracting lighting from any apparatus of any type similar to that used by emergency vehicles.

- d. Trash containers shall be permitted provided containers exceeding six (6) cubic feet shall:
 - (1) be completely screened on at least three (3) sides within a solid walled or fenced stall not less than six (6) feet in height. The open side of the stall, if applicable, shall not face any Protected District, nor shall it be viewed from any street frontage; and,
 - (2) be located behind the established front building line; and,
 - (3) not be located within a required yard or required transitional yard.
- e. Recycling containers shall be permitted, subject to the requirements of Section 2.13, D (Requirements for Recycling Containers).
- f. Vending machines shall be permitted provided the machine(s) shall:
 - (1) be located within a building; or,
 - (2) be located on the exterior of a building abutting its exterior wall; and,
 - (3) not be located within a required yard or required transitional yard.
- g. Gasoline service stations, convenience markets, service centers or facility functions, service operation and sales shall be subject to the following regulations:
 - (1) Gasoline service stations, convenience markets, service centers or functions, service operation and sales shall not include the following:

any outdoor operations (other than the dispensing or installation of gasoline, oil, antifreeze and other similar products and the performance of minor services for customers as related to said dispensing or installation).
 - (2) The exterior display, sale or storage of antifreeze, batteries, tires, oil, and other merchandise or products is permitted, provided, however, that the provisions of Section 2.07, B, 1, a., and b. are maintained.

- (3) Any display, sale or rental of motor vehicles or trailers conducted in association with a service station shall be located in a specific area, not located in or in any way conflicting or interfering with pedestrian walks, off-street parking areas, driveways, required yards, required transitional yards, or public rights-of-way.
- (4) There shall be no exterior displays which restrict traffic visibility in any way or which impede the movement of any vehicles on the service station or center driveways or public rights-of-way, or located in or in any way conflicting or interfering with walks, off-street parking areas or required landscaped yards. All exterior displays shall be maintained in an orderly manner.
- (5) Any major servicing or motor or body repair work shall be conducted within an enclosed structure.

h. Car wash establishments shall:

- (1) Be subject to the requirements of Section 2.12, Drive-through Off-street Stacking Space Regulations; and,
- (2) not conduct any drying, cleaning, polishing, dispensing of gasoline or other comparable operation within any required yard or required transitional yard; and,
- (3) not be located within one hundred (100) feet, measured in any direction, of a Protected District. The measurement shall be taken from the exterior of the building (or the tenant bay of the establishment if the use is in an integrated center), to the zoning boundary of the Protected District except when such establishment is separated from said Protected District by an intervening street (see Section 2.16, Diagram J); and,
- (4) have exit drives that are a minimum of one hundred (100) feet in length, measured from the vehicle exit of the car wash establishment to the pavement edge of the street.

- (5) The surface and drainage treatment at the exit drive shall be designed so that no water accumulates on the surface or onto the public right-of-way as a result of the car wash operations.

i. Accessory uses or structures shall:

- (1) have a total gross floor area which does not exceed fifty percent (50%) of the total gross floor area of the primary uses or structures; and,
- (2) not erect or maintain exterior signs announcing the accessory uses or structure.

2. **REQUIRED MINIMUM STREET FRONTAGE**

Each lot or integrated center shall have at least fifty (50) feet of frontage on a street right-of-way (unless subject to Section 2.00, A, 6, Lot Frontage Exception), and shall gain access from said street frontage.

3. **REQUIRED MINIMUM FRONT YARDS, MINIMUM FRONT SETBACK**

The setback requirements of Section 2.13, A, shall be provided along all street right-of-way lines, unless subject to the Established Setback provisions of Section 2.00, A, 3, b or c.

4. **REQUIRED MINIMUM SIDE YARDS, MINIMUM SIDE SETBACK**

A side setback and landscaped side yard of not less than ten (10) feet in depth, measured from and paralleling the lot line, shall be provided unless subject to the additional transitional yard requirements of Section 2.07, B, 6 or 8.

5. **REQUIRED MINIMUM REAR YARD, MINIMUM REAR SETBACK**

A rear setback and landscaped rear yard of not less than ten (10) feet in depth, measured from and paralleling the lot line, shall be provided unless subject to the additional transitional yard requirements of Section 2.07, B, 6 or 8.

6. **REQUIRED TRANSITIONAL YARDS, MINIMUM SETBACKS**

Minimum front, side and rear transitional yards and setbacks. Yards fronting upon or abutting a Protected District are subject to the requirements of Section 2.07 B, 7 or 8 in addition to the following requirements:

- a. Where a front yard abuts a street on the opposite side of which is a Protected District, a minimum required front transitional yard and setback of not less than twenty (20) feet in depth, measured from and paralleling the proposed right-of-way line of the street, shall be provided unless subject to the regulations of

Section 2.00, A, 3, b, or c, or Section 2.13, A. In the case where a proposed right-of-way line does not exist or where the existing right-of-way is greater, the existing right-of-way line shall be used for the setback measurement.

- b. Where a side or rear lot line abuts a lot line in an adjacent Protected District, a required side or rear transitional yard and setback of not less than forty (40) feet in depth, measured from and paralleling the lot line, shall be provided along such side or rear lot line.

Exceptions:

- (1) where a dedicated alley separates such side or rear lot line from the Protected District, said required side or rear transitional yard and setback shall be not less than twenty (20) feet.
- (2) Where the ground area required for required transitional yards exceeds twenty percent (20%) of the lot area, the width of the side or rear transitional yards may be reduced by one-half ($1/2$), but to not less individually than six (6) foot planting areas, provided a six (6) foot opaque wooden fence or solid wall is erected.
- (3) The transitional yard requirements of Section 2.07, B, 6 shall not apply in those instances where commercial or industrial use, legally established by permanent variance or lawful nonconforming use, exists upon such adjoining property or abutting frontage property, although zoned as a Protected District.

7. USE OF
REQUIRED YARDS
AND REQUIRED
TRANSITIONAL
YARDS

All required yards and required transitional yards shall be landscaped with grass, and shrubbery, trees or hedge, or in combination with other suitable ground cover materials, subject to the requirements of Section 2.13, G and shall remain as open space free from structures except where expressly permitted by this Ordinance.

a. Required front yards:

- (1) may include pedestrian walks, driveways, flag poles, fences, screening walls and similar appurtenant structures; and,
- (2) may include driveways, provided they are not located within forty (40) feet of a side lot line abutting a Protected District; and,
- (3) shall not include parking areas or interior access drives, unless subject to the provisions of Section 2.13, A.

b. Required side and rear yards:

- (1) may include pedestrian walks, interior access driveways, flag poles, fences, screening walls and similar appurtenant structures; and,
- (2) shall not include parking area and interior access drives.

c. Required front, side or rear transitional yards:

- (1) may include pedestrian walks, driveways, interior access driveways, flag poles, fences, screening walls and similar appurtenant structures; and,
- (2) shall not include parking areas, interior access drives, or outdoor display or storage areas, unless subject to the provisions of Section 2.13, A.

8. **MAXIMUM HEIGHT
OF BUILDING AND
STRUCTURES**

Thirty-five (35) feet, subject to the exceptions noted in Section 2.00, A, 5.

Provided, however:

- a. along any required front, side or rear transitional yard, as specified in Section 2.07, B, 6, the minimum required setback for that portion of the building exceeding eighteen (18) feet shall be increased by one (1) foot for each additional one (1) foot, or part thereof, of building or structural height above eighteen (18) feet, (see Section 2.16, Diagram I).

- b. the height of signs and sign structures shall comply with the Sign Regulations of Marion County, Indiana, 71-AO-4, as amended.

9. **SIGNS**

Signs and sign structures shall comply with the Sign Regulations of Marion County, Indiana, 71-AO-4, as amended. Additional regulations specific to adult entertainment businesses are found in Section 2.15.

10. **OFF-STREET PARKING**

Off-street parking facilities shall be provided in accordance with the off-street parking regulations of Section 2.10.

11. **OFF-STREET LOADING**

Off-street loading facilities shall be provided in accordance with the off-street loading regulations of Section 2.11.

12. **DRIVE-THROUGH OFF-STREET STACKING SPACE REGULATIONS**

Off-street stacking spaces shall be provided in accordance with the drive-through or drive-in stacking space regulations of Section 2.12.

13. **ADDITIONAL DEVELOPMENT REQUIREMENTS**

Site and landscape plans, street requirements, recycling containers, temporary use structures or buildings, temporary seasonal retail sales uses, or screening, landscaping and grounds maintenance, shall be in accordance with Section 2.13.

14. **SPECIAL REGULATIONS - ADULT ENTERTAINMENT BUSINESS**

In addition to the requirements of this Section, adult entertainment businesses shall be in accordance with Section 2.15, Special Regulations - Adult Entertainment Business.